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Kershaw County *South Carolina*  
Clerk of Court

Proceedings in Equity  
1791-1817

W.P.A.

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[Pages No. 1, 2 miss- ing]

7.th May 1792

do accordingly issue a Commission directed to proper P. to take the said Examination. [3]

6.th DECEMBER 1792

At a Court of Equity, held at Columbia for the Northern District on Thursday the 6.th December 1792

Present.

The Honorable ( Richard Hutson ) Esqrs Judges of the said  
( Hugh Rutledge ) Court.  
Between Joseph Ball and Wife Elffits and the Executors  
of Samuel Wise defendants In this case it is  
ORDERED,

That the accounts in this cause be referred to the Commissioner for examination And that George Taylor Esq of Charleston be appointed assistant Commissioner to examine the accounts, and report thereon.

Smith, DeSaussure & Darrell & )  
against )

Waring, Joor and Waring )

The Court having heard the arguments of Counsel upon the Exceptions to the Defendants answer in this cause, were of opinion that the said answer was insufficient, and that the exceptions were sustained And ordered that the defendants do answer over more sufficiently and pointedly to the matters and things charged against them in the Bill and thereby required to be answered unto.

Bourdeaux & Atkinson )  
against )

Hill and Shumack ) In this Case Ordered, That the Defendants, do put in their answers against them for the contempt.

William Rea & Ux.r )

Vs )

lithgow & Bell )

ORDERED, That the examination

6.th DECEMBER 1792

of all witnesses in this cause be taken before the Commissioner, de bene esse. [4]

And as far as the disposal of the present Crog, it is agreed by the Complainants. That the Injunction against the Defendants & be dispensed with

Smith DeSaussure & )

Vs )

Waring, Joor, & Waring ) ORDERED. That the Defend.t do answer the supplementary Bills of the Plaintiffs, and file their supplementary answer to the Original Bill within six weeks: Otherwise an Attachment to issue

On Motion of M.r Ford.

6.th May 1793

At a Court of Equity held at Columbia for the Northern District on Thursday the 6.th May 1793

Present.

(Richard Hutson )  
The Honor-(John Mathews ) Esquire Judges  
able (Hugh Rutledge )

John Bigbee )

Vs )

Exors P. Goodwyn  
Exors U Goodwyn &  
Pm Goodwyn Jun )

On Motion of M.r Hunt,  
Ordered, that the Said Defendants in this cause do file their answer within two months otherwise an Attachment to issue.

David Shelton )

Vs )

Daniel Mayberry  
and others. )

On Motion of M.r Hunt.  
ORDERED that the Defendants do file their answer in this Cause within two months or an attachment to issue against them

6.th May 1793

Wade Mims )

Vs )

Robert Campbell )

On Motion of M.r Hunt  
(the same Order made as above)

5



MS. Admors Livingston ) On motion of M.R. Hunt.  
Vs ) ( the same order made.)  
The Exors Simons )

6th December 1793.

At a Court of Equity, held at Columbia for the Middle or Northern District on Friday the 6th December 1793. 18th Year of America Independence.

PRESENT.

The Honorable ( Richard Hutson & ) Judges of this Court.  
( John Mathews )

Bourdeaux & A. Kinson )  
Vs )

William Will )

It was ORDERED, on motion of Gen Pinckney Sol. for the Pliffs & by consent of M.R. Brown Defts Sol. that all Witnesses in this cause on both sides be examined *de bene esse* by commission, and that their examination so taken, be read in evidence at the Trial of the Cause in case of the non attendance of the Witnesses or any of them.

The Court adjourned til tomorrow 9 O'Clock.  
Saturday the 7th day December 1793.

The Court ret according to adjournment.

Isaac Alexander & wife )  
Vs )

Adam Fowler Brisbane ) On motion of M.R. Brown the Pliffs Sol.

ORDERED That an Injunction do issue in this cause to stay, as well the Defendant himself from selling & disposing of the property or any part of the property or estates claimed by the Plaintiffs in their Bill as the Creditors or any of them, or others, seizing selling or disposing of the same, until after the final hearing and decision of the cause in this Court.

6 6th DECEMBER 1793

John Compt )  
Vs ) Ordered That a Commission do issue to take  
Richard Strother ) the examinations of Catherine Strother Kemp  
Strother, Michael Swigard, Mary Ann Armit and Mary Booker, *de bene esse* in this cause. ORDERED also that the Injunction Issued in this cause be dissolved.

The Exs of Estate )  
Vs ) On Motion of M.R. Ford.  
Willis Whitaker & al )

ORDERED that the defendants do answer the Plaintiffs Bill of Complaint within ten days, or an Attachment to issue, nisi.

Goodwyn )  
Vs ) and  
Goodwyn & al )

On the application of M.R. Johnson, upon the Petition of the Defendants, M. H. H. Goodwyn, Sarah Cook Goodwyn and Jesse Goodwyn who are Infants.

ORDERED that Maria Goodwyn the mother of the said Infants do appointed their Guardian to answer for them in this Court in the above suit.

Ordered with the consent of the Parties in this suit that Alex Blair and Jacob Setlors be appointed Auditors to audit and determine all accounts and matters in the cause; and that the report of them or any two of them be final and decisive.

Bourdeaux and Kinson )  
Vs )  
William Will )  
Company, and to the M.R. Johnson at his Office by the first day of January next, and that such books of account be by him examined

6th DECEMBER 1793  
and stated, and that in the mean time such party have free access to the same, and be allowed at convenient season to take extracts therefrom.

ORDERED on the motion of M.R. A. B. S ark, on the part and be- MS half of Mary Bamir an Infant, Praying to have a Guardian assigned her, and so forth upon the facts and circumstances set forth in the Petition of Zachariah Bamir filed in this Honorable Court. That the said Zachariah Bamir be appointed Guardian to the said Mary Bamir and have the care and custody, as well as the person of the said Infant, as of all and singular the property and estates of to which the said Infant may be entitled, from the Estate of John Kennerdy or otherwise whatsoever. And that the said Zachariah Bamir do give Bond with security to the Commissioner of the Court in the sum of Three hundred pounds conditioned to be faithful in his said trust, and account from time to time with this Court in the execution thereof.

6th MAY 1794.

At a Court of Equity held at Columbia for the Middle District of the State of South Carolina the 6th day of May 1794. and in the 18th Year of the Independence of the United States of America.

PRESENT

Their Honors ( John Mathews & ) Esqrs  
( Hugh Rutledge ) Judges of the said Court

John Jorman & others )  
against ) On Motion of the complainants Solicitor  
Jacob Meyer & others ) and by consent of the Solicitor on the part of the Defendants.

ORDERED, That the matters of account in difference between the parties in this cause, be referred to the Commissioner of this Court, to report thereon.

6th MAY 1894

William Goodwyn the Elder )  
against ) On motion and by the consent of the  
Wesoliah Goodwyn, Wm ) Solicitors on both sides.  
Goodwyn Junior & others ) ORDERED that this Cause be dismissed  
at the Complainant's Costs.

Grace Goodwyn, and )  
her children by their ) On Motion of the Solicitor on the  
next friend ) part of the complainants.

against )  
Wesela Goodwyn, Wm/ ) ORDERED, That it be referred to the  
Goodwyn & others ) Commissioner of this Court, to ascertain the DEBTS due by William Goodwyn the elder, what monies have been advanced by the Defendants on account

of the Estate of Wm Goodwyn the elder, or for which they are liable also, proper persons be appointed as trustees to take care of that Estate. And what property belonging to the said Estate had best be sold for the discharge of the debts and other incumbrances on the said estate, least, prejudicial to the interest of the Complainants.

The Court then adjourned til tomorrow at Nine O'Clock

WEDNESDAY the 7th day MAY 1794.

PRESENT

Their Honor ( John Mathews )  
( & ) Esqrs  
( Hugh Rutledge ) Judges of the said Court.

Gideon Jennings exhibited his petition to this Court, setting forth, That his brother Philip Jennings lately

7th MAY 1794.

died intestate, leaving four children that is to say, Philip Jennings, Elizabeth Jennings, Mary Jennings and Jesse Jennings, Infants under the age of twenty one years and that the aforesaid Infants were willing and desirous of appointing the said petitioner their Guardian; and praying to be appointed their Guardian accordingly; which being read and heard, it was,

ORDERED, That the said Gideon Jennings be appointed Guardian to the said Infants according to the prayer of the said petition, with all the powers usually accompanying such trust.

REBECCA TOWNSTON, also, presented a petition to this Court, setting forth that his brother Stephen Townstone, lately died intestate, leaving a daughter, Elizabeth Townstone, an Infant, and that for many years previous to the death of the said Stephen Townstone the said Infant has been in the care of the







said PETITIONER, and under his particular direction, and praying to be appointed Guardian to the said Infant, which being read and heard.

It was ORDERED, That the said Frederick Touchstone be accordingly appointed Guardian to the said Infant Elizabeth with the usual powers annexed to such trust.  
 On motion of the Defendants Soler and Smith DeSaure & others )  
 against ) upon reading an affidavit of a material  
 Haring & others ) witness being unable to attend. Ordered  
 that the cause do stand over, for Trial  
 at next Court the Defendants to pay the Costs of the continuance.

7.th MAY 1794

William Nea & wife )  
 against ) On motion of the Deff.s Solicr & on read-  
 Robert Lithgow & Alx ) ing the reward of the referees ~~therein~~  
 Bell ) to whom the accounts in this Cause were  
 referred at last Court to be audited &c  
 determined: ORDERED that the said award be final, and that the  
 complainants do pay the Costs of Suit.  
 Bourdeaux & Atkinson )  
 Vs ) The Court went into the investigation of  
 William Hill ) the evidence. And ORDERED that the cause  
 stand over for further examination tomo-

row.

The Petition of Catharine Sally and James Strother Infants Children of George Strother late of Orangeburgh District Dec'd was presented and read. Praying that their Brother John Strother may be appointed their Guardian to take charge of their Estate &c see to their proper maintenance and Education ORDERED. That the said John Strother be appointed Guardian to the said Petitioners with all the powers usually accompanying such Trust.

By the Court ORDERED that the following resolutions of the House of Representatives now sitting be inserted upon the Minutes of the proceedings of the Court Viz.

"In the House of Representatives May the 7.th 1794.  
 Resolved unanimously that freedom of

7.th MAY 1794.

"debate and the liberty of acting without the external restraint  
 "of fear or influence constitute the most valuable privileged  
 "of the Legislature and form the stronger palladium of the rights  
 of the People."

"Resolved Unanimously that from the Nature of the Constitution of this State it is essential and inherent in the Legislature  
 "that the members thereof acting in either House are not liable  
 "and cannot legally be questioned else where for their Conduct  
 "or the motives thereof."

"Resolved Unanimously that while each House necessarily possesses the right of answering or punishing improper conduct in any of its members it is equally the province of the House to protect the members thereof from molestation from any other person or any other place."

"Resolved Unanimously that as the above have always been the received and common usage of the Legislature of this Country any person by process of law or otherwise attempting to infringe or obstruct the same acts in open contempt and defiance of the rights and privileges of the Legislature and deserves the severest reprobations therefor."

"Resolved Unanimously that Stephen Drayton for prosecuting the members of a committee of this House for conduct in the House. And Alexander Gautrie for having acted as Attorney in his behalf and issuing process of law and causing them to be arrested have notoriously and flagrantly violated the power and privileges of the House of Representatives."

7.th MAY 1794

Resolved

"Resolved Unanimously that in the opinion of this committee any Attorney within this State commencing or prosecuting a suit against any member of this House for any thing said or done by him as a Member (be it to the said Attorney knowing that the said suit is for something said or done as a Member) is unworthy of his office and ought not to be suffered to practice in any of the Courts of Judicature under the authority of this State."

"RESOLVED that the above resolutions be made out by the Clerk of this House and served on the Judges of the Superior Courts of Law and Equity of this State."

"A True Copy /Extract/ and which I attest in Columbia this  
 7.th day of May 1794."

(Signed)

John Landfort Dart C.H.R.  
 The Court adjourned till to Morrow  
 Morning 9 O'clock.

THURSDAY 8.th MAY 1794.

The Court met according to adjournment  
 PRESENT.

( John Mathews & ) Esq.s Judges  
 Their Honors ( Hugh Rutledge ) of the Court.  
 Grace Goodwyn and others ) The Commissioner of this this Court  
 against ) to whom it was referred to ascertain  
 Kessia Goodwyn & others ) the Debts due from  
 William Goodwyn the Elder;---what sums have been advanced by the  
 defendants, for his Estate or which they

8 MAY 1794.

are

are liable;---proper persons to be appointed trustees to take care of the Estate and what part thereof had best be sold for payment of the Debts and incumbrances thereon/ as will be least prejudicial to the interest of the complainants.---  
 REPORTS That he has heard the parties by their Counsel on the several matters referred; and that upon examination it appears.-----

1.st That the said William Goodwyn the elder is indebted to several persons for which Judgements are obtained to the amount of about Five-hundred pounds; and to sundry other persons, for which Judgements are not obtained to the amount of about Four-hundred pounds £ 900.

2.nd That, exclusive of the above mentioned Debts the Estate of the said William Goodwyn the Elder stand indebted to the Estate of the late Jesse Goodwyn deceased for the balance of an Account current between them for sums advanced and articles furnished on account of the said Wm Goodwyn by the said Jesse Goodwyn in his life time and since his death by John Hopkins one of the Defendants and executor of the said Jesse Goodwyn to the sum of Two-hundred and ninety-four pounds 18/6d ----- £ 294.18.6d

Total amount of Debts due from the Estate of W Goodwyn £ 1194.18.6d  
 3.rd That John Goodwyn, Ethel Heath and John Hostick have been nominated and agreed by the parties to be proper persons for trustees to be intrusted with the management of the property of the Estate of the said William Goodwyn Sen.

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4.th

6.th That three tracts of land lying in Camden District Viz. one tract for One-hundred acres, adjoining Edward Lightwood & General Hager.---One other tract of One-hundred Acres adjoining Benjamin Holston and Joseph Martin.---And another tract of One-hundred and fifty acres, adjoining George Kish.---Also a tract of land in Orangeburgh District containing six hundred Acres, lying on Beaver Creek appears to be that property of the Estate of the said William Goodwyn Senior which can be best disposed of for the payment of the debts with the least prejudice to the Interest of the complainants.

[IT ALSO appears that the proceeds of the Crops of Indigo made on William Goodwyn Senior plantation the year 1793, amounting to about Two-hundred and sixty pounds has been received by John James Goodwyn one of the complainants] which remains in his hands to be appropriated to the payment of the aforesaid Debts.---AND That made known the Sheriff of Camden District has levied by Virtue of an Execution in behalf of the said William Goodwyn Senior against one William Smith the sum of Twenty-five pounds which may be directed towards the payment of the said Debts.

THEREFORE the Commissioner is of opinion that the said Four tracts of land if sold on reasonable credit will be sufficient together with the monies in the hands of James Goodwyn and the Sheriff of Camden District aforesaid and with



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With the Produce of the ensuing crop to be made on the lands of the Estate to Satisfy fully the Debts and Incumbrances on the said Estate.---AND he recommends that it be DECREED That the said Lands be sold so as to raise Four-hundred pounds in Cash and the rest on a Credit till the first of Next March.

The Court upon hearing the Report of the Commissioner ORDERED that the said Report be confirmed & DECREED the said Lands to be sold accordingly.

Bourdeaux & Atkinson ) On motion of Camp. Solicitor, ORDERED  
against ) That a man of Integrity and capacity be  
William Hill ) appointed as receiver to take possession  
of all the property and take an account  
thereof to Attend at the Iron-works and  
take an account of the product and expenditures and to receive  
the proceeds to be appropriated under the Direction of this  
Court with power to receive and dispose of the product of the  
said Works to the best advantage and also to collect the Debts  
due.

ORDERED that Mr John Egleston be appointed receiver accordingly to receive and Account to this Court for the Produce of the said Works and the Debts he shall collect and that for a Compensation for his Services in that behalf he shall be entitled to a Salary at the rate of One-hundred and fifty pounds Per Annum for so long as he shall continue in that office

ORDERED.

8.th MAY 1794

ORDERED that all the Books and all other matter of accounts in this Cause be referred to the Commissioner to examine adjust and State- and that two persons be appointed as assistants to the Commissioner to draw out the accounts, and bring up the Books and to adjust and state the same: That is to say Jonathan Sutton on the part of the Defendants and John Fisher on behalf of the Compts be the said assistants. And That the Commissioner and his said assistants be authorized to appoint a Clerk for the purpose of drawing out such of the accounts from the said Books as it may be necessary presently to collect which accounts when drawn out the Commissioner and his said assistants shall examine and compare with the original entries and certify under their hands to be true extracts and then the said Debts to be collected by the receiver as speedily as possible.--

ORDERED also that the defendant be entitled for the support of himself and family to draw out of the funds of the concern in dispute as half owner at the rate of Two-hundred pounds a Year. Independent of what he may entitle himself unto for future and extra Services and that the complainants D Bourdeaux and F. Andron shall be entitled each of them to one hundred pounds a Year for the support of themselves and families out of the same funds.

Dawson & others ) On Motion ORDERED that the defendants have  
Vs ) thirty days to answer the Complainants Bill or  
Sutler & Davis ) else an Attachment to Issue nisi

6.th MAY 1794

Ester

17 Lether Joseph )  
Jackson ) ORDERED by the consent of the Solrs of  
Vs ) both parties that this cause be continued  
Charles Brown ) in Court and remain for trial at next Court.

John Mayrent & wife ) It appearing that this Suit has been origi-  
nally instituted in the Court of Chancery  
Wm R. Davis ) in Charleston previous to the Establishment  
of the present system of the Court of Equity.  
It is therefore ORDERED that the property subject to the Decree of the Court in the cause be carried down by the defendant to the Master of the Court in Charleston.

William Lea & wife ) Upon the suggestion of the Compts Sollic-  
against ) itor, ORDERED That the order lately made  
Leithgaw & Bell ) in this cause confirming the award given  
in by the referees to whom was referred  
the matters of accounts in this cause be rescinded. And that  
the cause do continue for Trial at next Court.

6.th MAY 1795

Grace Goodwyn & al )  
vs ) On motion of the Defendants Solicitor  
John Goodwyn & al ) ORDERED that the property formerly direct-  
ed to be sold in this case be peremptorily

13 sold on the 1.st Day of October next on a credit to the 1.st of January ensuing: And in case the said Property cannot be sold for want of Buyers then that the Commissioner do sell at the same time as many Acres not exceeding fifteen of those conveyed in trust as will be sufficient to raise a sum not exceeding five hundred pounds. And that the Commissioner apply the money in the first place to the satisfying the Executions obtained against col. William Goodwyn before the conveyance in Trust, and afterwards to the payment of the monies advanced by Jesse Goodwyn & his Executors on account of the Estate conveyed to the said Jesse Goodwyn as in the Bill & Answer is stated.

R. B. this last case ought to have been inserted in page 19 next to Isaac Alexander & vs. vs. Brisbane, but was omitted thro' mistake & therefore put back here there happening to have been a blank left.--

6.th MAY 1795

At a Court of Equity held at Columbia for the Northern District of the State the 6th Day of May 1795 & 19th Year of the Independence of the United States of America.--

Present. The honorable John Mathews & Hugh Rutledge Esqrs Judges of the said Court

SUSANNA FERDARVIS an Infant under the Age of 21 years presented her Petition setting forth that under the Will of her Grand Father Bland Ferdarvis she is entitled to a real and personal Estate consisting of about Four hundred Acres of land, eight or nine Negroes & a small Stock of Cattle, and that she is desirous of having a Guardian appointed to take charge of the said Property & manage the same for her, and praying that Videon Jennings might be appointed Guardian accordingly WHEREUPON it was order that he be appointed her Guardian with the usual powers annexed to such Trust.--

JOSEPH KENNEDY the younger presented his Petition shewing that his father Thomas Kennedy died intestate, leaving a considerable real & personal Estate and that the petitioner is under the age of 21 years and praying that his Uncle Joseph Kennedy might be appointed his Guardian. And that the Court would lay the said Guardian under such Rules for the better securing of the Petitioner's Estate as to them should seem fit. Whereupon it was ordered that the said Joseph Kennedy be appointed Guardian to the Petitioner with the powers usually annexed to that Trust giving Bond & Security in the sum of three hundred pounds for the discharge.

6. MAY 1795

of the said Trust.--

Jacob Patrick presented a Petition setting forth that his father is dead & has left an Estate of real & personal Property of which he is entitled to a distributive Share; And that he (the Petitioner) is under the age of 21 years, and praying the Court to appoint William Fitzpatrick his Guardian. WHEREUPON ORDERED that the said William Fitzpatrick be Guardian for the said Petitioner with the powers usually accompanying such appointment. Is: Alexander & vs. ) The Bill & Answer being read  
vs )  
A. F. Brisbane ) referred to the Commissioner and that he report thereon at the next Court ALSO that a

commission do issue to take the examination of witnesses living out of this State on Motion of complainants Solr. (see page 17)

EDWARD DUDLEY exhibited his Petition to this Court setting forth that James Pearce lately died intestate being possessed at the time of his death of a personal Estate consisting of twelve Negroes & other Chattels and that after the death of the said James Pearce, Naomi Pearce now deceased and this Petitioner did administer on the said Estate. AND the said Petitioner being desirous of being exonerated from the burden of the administration do further charge of the Estate pray the Court to surrender the same; and that the Court would appoint proper persons to take the charge of the

said

6.th MAY 1795

14 said Estate / administer the same that no mine to be administered. WHEREUPON Ordered that the following persons namely Benjamin Hart, Russell McCord and William Scott Junr be appointed





Trustees and authorized to distribute & administer the Estate of the said James Pearce remaining unadministered according to Law And that the said TRUSTEES do take the Estate and make division thereof among the Heirs as soon as the said Heirs shall come of age, those who are already of Age to have their respective Shares delivered to them immediately & that they do distribute and deliver to each of them their respective parts or distributive Shares of the said Estate. And that the respective proportions of the said Estate to which any of the Heirs who are not of age or unmarried are entitled, to be delivered up to the Administrator aforesaid, to be kept by him for the benefit of such Heir or Heirs, and to be by him delivered over and paid to such Heir or Heirs respectively upon their arrival at the age of 21 years or day of marriage.--

WILLIAM LILES ) On motion of M<sup>r</sup> Taylor Solic<sup>r</sup> for Compl<sup>t</sup>  
vs ) Ordered that the Complainant have leave to  
LEWIS BOTHER & ) take out a Writ of Injunction to stay proceed-  
MINOR WINN- ) ings upon a Judgment obtained at Law by the  
 ) Defendant Lewis Bother against the said Com-  
 ) plainant upon the usual Terms.  
BOARDMAN & ATKINSON ) The Commissioner having represented that  
vs ) he has not been able to report upon the  
WILLIAM HILL ) matters referred in this cause & that  
 ) further time will be necessary &c  
ORDERED that he do report thereon at next Court.

21 7<sup>th</sup> DECEMBER 1795

At a Court of Equity held at Columbia for the Middle District of the State of South Carolina the 7<sup>th</sup> December 1795. Present Their Honors John Mathews & Hugh Rutledge Esq<sup>rs</sup> Judges of the said Court.

Bourdeaux & Atkinson ) The Commissioner's Report was read up-  
vs ) on the subjects referred to him at last  
William Hill ) Court.

TUESDAY the 8<sup>th</sup> DECEMBER 1795.

SARAH SMITH BYRN &c ) Ordered that this Cause stand over 'till  
vs ) next Court under a peremptory Rule to  
WILLIAM WHITAKER & al ) come then to trial.--

SINGLETON, LANNING & al ) Bill & Answer read and Arguments of  
vs ) counsel heard.--  
J. B. RICHARDSON & )  
JOHN RICHARDSON )

JOHN QUINN an Infant under the Age of 21. years exhibited his Petition to this Court setting forth that he is entitled to some Property; particularly two Negroes by Deed of Gift to his mother; And praying that Jacob Wolff may be appointed his Guardian to take the custody of him & his Estate. ORDERED that the said Jacob Wolff have the Guardianship of the said Petitioner and have the care and custody of his person & Estate upon the usual Terms annexed to such Trust.

The Commissioner

20 THURSDAY DECEMBER the 9<sup>th</sup> 1795.

The Commissioner of Public Acc<sup>ts</sup> )  
vs )  
Sumter and Richardson ) and Vouchers in this Case be  
 ) referred to the Commissioner  
 ) in Equity who shall be at  
 ) liberty to call in to his assistance John Lewis Gervais Esq<sup>r</sup> or  
 ) any other Person or Persons who may be chosen and agreed upon by  
 ) the Parties for such purpose and that the Commissioner report on  
 ) the same at the next Meeting of this Court

THURSDAY DECEMBER the 10<sup>th</sup> 1795.

Bourdeaux & Atkinson ) On Motion  
vs )  
William Hill ) Ordered that this Cause stand over till  
 ) next Court under a peremptory rule to  
 ) come then to trial

THURSDAY DECEMBER the 10<sup>th</sup> 1795.

Experte )  
James Goodwyn ) On Petitioner of James Goodwyn setting forth that  
 ) he had purchased a valuable tract of Land at the  
 ) sale by the Commissioner in the Case of Grace  
 ) Goodwyn & others against the Admors of Jesse Goodwyn and gave his

9 Bond for the payment of the Purchase money and that the Land sold much under its value but he is willing to deliver up all claim to the Land if his Bond be delivered up to him and that the

THURSDAY, DECEMBER the 10<sup>th</sup> 1795

21 Bonds are nearly paid &c. Therefore ORDERED that the Commissioner deliver up to the said James Goodwyn the Bond taken by him in the Case aforesaid upon the said Petitioner delivering up to the Commissioner the Receipt or Certificate for Titles and relinquishing all claim to the Land under the said sale.

Hugh Milling & al ) On motion of M<sup>r</sup> Stark ORDERED that in Com-  
vs ) mission Issue to take the examination of  
John & Thos Leans ) Gen<sup>l</sup> Richard Winn in this cause on the part  
 ) of the Complainants de bene esse and that the  
 ) Defendants Solicitor be served with a Copy of the Interrogatories  
 ) to be put to the said Witness

David Shelton ) By consent of Parties ORDERED that fromans  
vs ) Liles Thomas Means and William Brunitt be  
Anderson Thomas Adm<sup>r</sup> ) appointed Arbitrators in this cause whose  
 ) award shall be final to be made to this  
 ) Court on or before next day Court.

Isaac Alexander & Ux ) On motion ORDERED that the Complainants have  
vs ) leave to take the examination of witnesses  
Adam F Brisbane ) living out of the State in this cause, giv-  
 ) ing notice to the Defendant and also the ex-  
 ) amination of inferm Witnesses in the State, de bene esse,

Singleton Lanning & al. ) Decretal Order to wit.  
vs ) This Case rests on the construction  
James B Richardson & al. ) of two clauses in the Will of the  
 ) Deceased

General

THURSDAY, DECEMBER the 10<sup>th</sup> 1795

22 General Richard Richardson. viz- whether the bequest to Thomas as well as his share of the residuary personal estate in not explained by another clause wherein the devise his residuary real estate to his three youngest sons, and the personal as well as real estate become subject to the same conditions which are comprehended in that clause. He are of opinion that the two clauses are altogether distinct and have no relation to each other. By the first clause an absolute estate is given to each Child and became immediately on the death of the Testator a vested interest under that clause of the Will as there is no condition or limitation whatever annexed to that clause whereas by the second clause the devise is conditional viz. the sons attaining the age of twenty one Years and in case of the death of either before that period then a limitation over to the Survivors. We therefore think that as Thomas one of the Legatees under the first clause died intestate without wife or Child and subsequent to the passing the Act for the abolition of the rights of primogeniture that his share of the personal estate must go according to the directions of that act. As to the devise under the other clause to three Youngest sons, John Peter, Charles, and Thomas, the intention of the Testator evidently was, to confine the survivorship to those three sons. for the words are, if either of my three last mentioned sons should die before they come of age &c. We therefore think that the residuary

Real

THURSDAY DECEMBER the 10<sup>th</sup> 1795

23 Real estate under this clause became vested in the two surviving sons, John Peter, and Charles, on the death of Thomas the other son, under age.

"It is therefore DECREE that such part of the personal estate as came to the deceased son Thomas shall be disposed of respectively to the direction of the Act before mentioned. That the residuary real estate be delivered over to John Peter, and Charles, to be equally divided between them conformably to the words of the Will- And that the Costs of this suit be paid by the Complainants."

William Rea and Wife ) On Motion  
vs )  
Lithrow and Bell ) Ordered that the award formerly made in  
 ) this cause be confirmed and that the Com-  
 ) plainants pay the costs of suit.



At a Court of Equity held at Columbia for the Middle District of the State of South Carolina the 6th day of May 1796, and in the 20 Year of the Independence of the United States of America.  
present their Honors  
John Mathews and ) Esq. Judges.  
Hugh Rutledge. )

The Commissioners of Public Acc'ts )  
vs ) On Motion of Mr John Treverant  
Samuel Feilly. ) ORDERED that the Defendant file  
his Answer in three Months otherwise an Attachment to Issue against him.

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The Commiss.s of Pub: Acc.ts )  
vs ) On Motion Mr Soli.r Treverant.  
Alexander Aiken ) ORDERED that the Defendant file  
his Answer in three Months otherwise an Attachment to Issue against him.

The Commiss.s of Pub: Acc.ts. )  
vs ) On Motion Mr Soli.r James  
Timothy Aives ) Same Order as above

The Commiss.s of Pub. Acc.s )  
vs ) On Motion Mr Soli.r James.  
Hugh Milling Admor of ) Same ORDER as above.  
John Milling Deceased. )

The Commiss.s of Pub: Acc.ts )  
vs ) On Motion of the same.  
James Taylor ) The same ORDER as above

The Commiss.s of Pub: Acc.ts )  
vs ) On Motion of the same.  
William McCracken ) The same ORDER made

Exparte ) William Kinsler having petitioned this Court  
William Kinsler ) stating that he is a Minor under the age of  
Twenty one Years and that his Father died  
some time ago intestate leaving a considerable personal estate to a  
distributive share of which the petitioner is instituted. And praying  
the Court to appoint his brother John Kinsler his Guardian and  
so forth ORDERED that the said John Kinsler be and he is hereby appointed  
Guardian to the said petitioner with the powers usually annexed  
to such Trust.

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E. F. Littleton )  
vs ) On motion of Complainants Soli.r ORDERED  
James Davis ) that a Commission do issue to take the examination of WITNESSES residing in Virginia  
& Georgia in behalf of the said Complainant

Etherington )  
vs ) On motion of the Complainants Soli.r ORDERED  
Trant & Etherington ) that a Commission issue to take the examination  
of witnesses living out of the State  
for the Complainant in this cause

Atkinson & Beaudeau )  
vs ) ORDERED that the Exceptions to the Commissioners  
Report in this cause be considered  
by the Commissioner and that he report  
thereon to-morrow Morning

Alexander & wife )  
vs ) By consent of parties ORDERED that this  
cause stand over to be tried at next Court

A. F. Braibane )  
vs ) On motion of the Complainants Soli.r ORDERED  
Josiah Scott.-- ) & DECRETED that the Defendant pay to the  
Plaintiff the sum of thirty six pounds &  
the Solicitor's Fees and Seven pounds one Shilling and nine pence  
for the Costs at Law. The Plaintiff's Solicitor's Fees being Seven  
pounds besides his additional Costs for this Decree. Also that he  
pay the

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The fees of the Commissioner of this Court two pounds ten Shillings  
to this Court and additional Costs since, the Sheriff's Fees twelve  
Shillings. In all Fifty three pounds three Shillings and nine pence  
besides the additional Costs of the Plaintiff's Solicitor and the  
Commissioner as aforesaid and the Costs of the Witnesses attendance  
on the trial of Law.

William Mayrant )  
vs ) On motion of Mr Johnson Soli.r for the Defendant  
John Williams ) ORDERED that the Injunction issued in this case be  
dissolved & the Bill dismissed.--

William Mayrant )  
vs ) On hearing the Parties by their Council it was  
John Singleton & ) RESOLVED by the Court 1st That the Commissioner  
Gale Hampton ) of this Court had authority to grant the Injunction  
to stay Waste issued by him in this case &  
2d that the Injunction so issued was properly & regularly issued.  
The Court refused to hear the Parties upon the merits of the Bill  
and Answer but ORDERED that the Injunction aforesaid be restrained  
so far as the same prohibits the Defendants from egress and regress  
to, from and upon the Lands in question for the purpose of cultivating  
wearing and reaping the benefit of the Crop which they have  
planted.--

ARTHUR MCDOW of Lincoln District in the said State having  
presented his Petition to this honorable Court setting forth  
that his brother

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James

James McDow is a lunatic and insane and that the same appears by  
the return of the Commission issued from this Court for that purpose  
and the Inquisition taken at Lincolnville in the District of  
Lincolney aforesaid and other matters and circumstances to shew  
that the said petitioner wished a proper person to be appointed  
to have the custody & care of the person and Estate of the said  
James McDow committed to him by this Court and praying to be appointed  
the Guardian or Committee of the said James accordingly;

And the said petition being read & heard by the Court and the  
Papers returned with the Commission aforesaid seen & considered.  
It was thereupon ORDERED that the said Arthur McDow be Committee  
of the person and Estate of the aforesaid James McDow, with  
authority to take upon him the Guardianship, Custody & direction  
of the person and Estate of the aforesaid James McDow first giving  
Security by Bond in the sum of TWO hundred pounds for the  
faithful discharge of the duties of the said Office & of the Trusts  
reposed in him as aforesaid which Security shall be approved of by  
the Commissioner.--

John Costell )  
vs ) The Bill & Answer being read & the Parties  
Isiah Moore & al ) heard by their Council the Court ORDERED &  
Adams S Little ) DECRETED as follows vizt "In this case the  
Defendants have done what they could not do  
have done & may have made their own Estates  
unrecoverable in case of a deficiency of assets for their misconduct  
in confessing Judgment to each other or permitting them to be their

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Each of them to the creditors of the said Estate, some of whom had  
an equal & others a preferable right to be paid. And found however  
it equitable to them since they have been improperly advised on  
the subject. And the Act of the Assembly of the Year 1794 which  
relieves off the duty of Executors & Administrators been considered  
they would have seen the mode therein directed to be pursued  
in payment of Debts. That the intention of that Law may be  
complied with. It is therefore ORDERED /and decreed/ that the  
operation of the Judgment in the several Causes in this Bill &  
Answer mentioned be suspended and that the Defendants do account  
with the Creditors of their Estate Samuel Little for the property  
which has been sold & pay his debts according to the nature  
of them in Average & Proportion agreeable to the Law above mentioned  
as far as the Assets of the Estate will extend, that it may be  
referred to the Commissioner to adjust the accounts of the Defendants  
& to award Execution against the Estate if it shall be found  
necessary. And that the Costs be paid out of the Estate.--

6.th MAY 1796

Matthew Holden )  
vs ) On Motion Mr Johnson Soli.r for the Com-  
George Evans Admor ) plaint ORDERED that this Cause be con-  
of Richard Middleton ) tinued & that the Injunction issued in this  
case be also continued till next Court





Atkinson & Bourdeaux ) Ordered that the Defendant do attend the Com-  
vs ) missioner of this Court with such Exceptions  
William Hill ) to his present Report as he shall think nec-  
Commissioner to make a ) essary to make thereto so as to enable the  
Final

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Final Report on the first Day of the next Term at Columbia & in  
case of neglect so to do the Court will then prove to determine the  
cause on such Report as the Commissioner can make.

Exix Smith & al ) On motion of M<sup>r</sup> Ford Complainants Sol<sup>r</sup> Ordered  
vs ) that this cause be continued under a peremptory  
Willis Whistler ) Rule to come to trial at next Court & no Plea of  
and others. ) privilege will be regarded.--

Com<sup>rs</sup> Pub. Acco<sup>ts</sup> ) On motion of M<sup>r</sup> Stark Sol<sup>r</sup> for the Defend-  
vs ) ant ORDERED that the Complainant J. L Gervais  
Timothy Piles ) do deposit in the hands of the Commissioner  
of this Court the original Return of William  
Meyers & Joel McLemore Tax Collectors or a Copy thereof within the  
space of one Month, to enable the Defendant to make his answer.--

Russell & Joseph McCord ) On motion of M<sup>r</sup> Johnson in behalf of the  
vs ) Com<sup>ts</sup> and on having the Affidavit of  
Hareworthy Hunter ) Russell McCord one of the Com<sup>ts</sup> that  
Henry Hampton ) the Defendants reside out of the limits  
of this State ORDERED that Notice be

given in the Gazette to the Defendants that they appear & put in  
their Answer in three Months otherwise the Bill to be taken pro  
confesso -- Goodwin

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7.th MAY 1796

Goodwin & others )  
vs ) On motion of M<sup>r</sup> Johnson Com<sup>ts</sup> Sol<sup>r</sup> Ordered  
Goodwin & others ) that the lands formerly sold in this cause & from  
the Sale of which the purchaser was released upon  
Petition to this Court be resold by the Commis<sup>r</sup> for Cash.---

WEDNESDAY 6.th DECEMBER 1796

The honorable John Mathews & Hugh Rutledge Esq<sup>rs</sup> Judges of the  
Court of equity of this State met at Columbia.--

The late Commissioner in Equity of this District having resigned  
his commission as such & Samuel Mathis being appointed commissioner  
in Equity of the said District in his stead, attended & qualified  
his commission was read & ordered to be recorded and is as follows  
viz.t.--

"SENATE OF SOUTH CAROLINA. By his excellency Arnoldus  
Vanderhorst Governor and Commander in chief in and over the said  
State. To Samuel Mathis Esquire KNOW YE that by virtue of the power  
and authority in me vested by the Constitution of this State I have  
Commissioned, constituted and appointed and by these presents do  
Commission, constitute and appoint you the said Samuel Mathis Com-  
missioner of the Court of Equity for the Northern District of the  
said State in which is included the Districts of Camden, Orangeburgh  
and Cheraw; To have hold, exercise and enjoy the said Office of Com-  
missioner  
of

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6.th DECEMBER 1796

of the Court of Equity for the said District together with all  
Rights, Privileges, Profits and Emoluments whatsoever thereunto be-  
longing or in anywise appertaining. And the Commission to continue in  
force during good behaviour. Given under my hand and the Seal of  
the State in the Town of Columbia this sixth Day of December Anno  
Domini one thousand seven hundred and ninety six and in the twenty  
first Year of the Independence of the United States of America  
Arnoldus Vanderhorst"

Secretary's Office certified & recorded by  
Stephen Ravenel  
Secretary

Expte.---- )  
Elizabeth Targuin ) Elizabeth O Farrell presented her Petition stating  
that her Daughter Elizabeth Targuin (here present  
in Court) was under the age of twelve years of age and was entitled  
to considerable real and personal property & praying this honorable  
Court to appoint William Targuin Guardian of her said Daughter: Or-  
dered that the said William Targuin be appointed her Guardian and be

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MS

allowed to take charge of the person and Property of the said  
Elizabeth Targuin upon his giving ~~for~~ Bond & Security for the  
faithful performance & discharge of his Trust in the sum of six  
hundred pounds Sterling

WEDNESDAY 7.th DECEMBER 1796

At a Court of Equity held at Columbia for the District of  
Camden, Orangeburgh and Cheraw Wednesday 7.th December 1796.

Present their Honors  
John Mathews ) Esq<sup>rs</sup> Judges in Equity  
Hugh Rutledge )

Ordered that all the business that has been Referred to the late  
Commissioner of this Court be now referred to the present Commis-  
sioner and that he do report on the several matters so refer'd on  
the first Day of the next meeting and setting of this Court at  
this place--

M. T. Linton ) On affidavit produced and read in Court Ordered  
vs ) that a Commission do issue to take the Examina-  
Davis & Nelson ) tion of Mark Robinson (an aged infirm Person) de-  
bene esse

Admor & Admiz )  
vs ) On Motion of M<sup>r</sup> D. Deas  
Davis & Nelson ) Ordered that an Injunction do Issue on the  
Isaac Alexander & al ) Usual Terms

Exors McDonald ) On Motion of M<sup>r</sup> Ford for Dfts Stating that the  
vs ) Defendants resided in Georgetown District Order-  
Exors McDonald ) ed that the Proceedings be removed to the Regis-  
ter's Office in Charleston so that the Cause  
may be heard in the Court of Equity there--

THURSDAY 8.th DECEMBER 1796

Present their Honors  
John Mathews )  
Hugh Rutledge ) Esq<sup>rs</sup> Judges in Equity ---

Thomas Sumpter ) On Motion of M<sup>r</sup> Johnson  
vs ) Stating that the Defendant resided in Charleston  
John O. Smith ) District, Ordered that the Proceedings be removed  
to the Register's Office in Charleston so that  
the Cause may be heard in the Court of Equity there--

Thomas Sumpter ) On Motion of M<sup>r</sup> James Ordered t at an Injunction  
vs ) do issue on the Usual terms and continue in force  
Admore Lawson ) untill the 6.th May next and if then good and  
sufficient Titles be offered or tendered the  
Courts will then proceed to the hearing the Writs of the Cause  
and that on failure of tendering such titles the Injunction be  
then dissolved--

Justin Brown )  
vs ) Bill Com<sup>t</sup> & Pet<sup>ts</sup> for Injunction  
Mary Brown )  
vs )  
Thomas Potts & )  
John A Davis )

On Motion of M<sup>r</sup> Deas ordered that this Bill be  
sent to the Register's Office in Charleston to be there filed  
because the Defendant Potts who is the oftensible Defendant ef-  
fected lives in Georgetown District

WEDNESDAY 11.th 1800

At a Court of Equity for the United Districts of Charleston, Wal-  
field, Marshaw Sumter and Highland begun and held at Camden on  
Monday the first day of December in the Year of our Lord one thou-  
sand eight hundred and in the twenty fifth Year of the Sovereignty  
and Independence of the United States of America.

PRESENT

The Honorable Hugh Rutledge and William Marshall Esquires two of  
the Judges of the Court of Equity in the said State  
Richard Lloyd Champion presented to the Court or Commission under  
the hand of his Honor John Drayton constituting him Commissioner  
of the said Court which was read and is as follows

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By his Honor John Drayton Lieutenant Governor and Commander in Chief in and over the said State To Richard Lloyd Champion Esquire I Deposing special trust and confidence in your abilities care and integrity have Commissioned, Constituted and appointed and by these Presents do Commission constitute and appoint you the said Richard Lloyd Champion Commissioner in Equity in and for the United Districts of Lancaster Kershaw Sumter Richland and Fairfield composing the Northern Equity Circuit To have hold exercise and enjoy the said Office TOGETHER with all rights privileges profits and emoluments whatsoever thereunto belonging or in any wise appertaining. This Commission to continue in force during good behavior.

Given under my hand and the

MONDAY DECEMBER 1st 1800

Seal of the State in the City of Charleston this fifteenth day of March in the year of our Lord one thousand Eight hundred and in the twenty fourth Year of the Sovereignty and Independence of the United States of America L. S. John Drayton

By the Lieutenant Governor Isaac Notte Part Secretary

He also produced the following Certificate of his having qualified

Charleston March 27th 1800

I hereby Certify that Richard Lloyd Champion Esquire hath duly qualified this day before me as respecting the following offices to which he has been appointed Vizt as Commissioner in Equity for the United Districts of Lancaster Kershaw Sumter Richland and Fairfield as Notary Public for Kershaw District and as Commissioner of Locations for said District.

John Drayton

M<sup>r</sup>. Blanding presented to the Court a Petition from Jo<sup>n</sup> a Rains and Mary Rains with an Affidavit thereunto annexed stating that Martha Millet the Sister of the Petitioner Mary hath been from her birth destitute of reason

ORDERED that a Commission do issue directed to John Singleton Isham Moore William Kayrant Thomas Eveleigh and William Rees to enquire of the Lunacy of the said Martha Millet

ADJOURNED TILL TO MORROW MORNING 10 O'CLOCK.

TUESDAY DECEMBER 2d 1800

Com<sup>rs</sup> of the Treasury ) Bill Eight day Rule to answer or  
Vs ) of Attachment to Issue having been  
Exor Benjamin Hale ) Comp<sup>t</sup> returned by the Sheriff duly  
served on J. Brevard Esq<sup>r</sup> Def<sup>ts</sup>  
Solicitor.

Com<sup>rs</sup> of the Treasury ) Bill On Motion of M<sup>r</sup>. James  
Vs ) of ORDERED that the  
Admor John Marshal ) Comp<sup>t</sup> Rules be made absolute.

Com<sup>rs</sup> of the Treasury ) Bill  
Vs ) of  
Glass Boston ) Comp<sup>t</sup>

Samuel Hammond J<sup>r</sup> ) Bill The Complainant having stated be-  
Vs ) of by Affidavit that Sherrod Sims  
Charles Karbar ) Comp<sup>t</sup> and Samuel Hammond Senior witness  
in this Cause are both aged and

infirm: persons On Motion of M<sup>r</sup>. Blanding. Ordered that a Commission do issue for their examination On his giving the Complainant who is about receiving from this State be examined de bene esse on his giving similar Notice to the Defendant or his Solicitor

M. T. Vinton ) Subpoenas having been regularly served on  
Vs ) J. C. Stegman and M. Correll and they not  
James Davis & ) attending. On Motion of M<sup>r</sup>. Mathis  
William Nelson ) ORDERED that attachments do issue

TUESDAY DECEMBER 2d 1800

against them. Also Ordered that Commissions do issue to examine witnesses in behalf of the Complainant in the States of North Carolina and Georgia on his giving the opposite party legal Notice to join in Interrogatories

Grace Goodwyn & ors ) ON Motion of M<sup>r</sup>. McCredie  
by their next Friend ) Bill ORDERED that Joseph Brevard Esq<sup>r</sup>  
Vs ) of the former Commissioner do shew  
Kesia Goodwyn W<sup>m</sup> ) cause at the next Court why the  
Goodwyn J<sup>r</sup> & others ) Comp<sup>t</sup> Money in his hands in this Case  
should not be paid over to the

present Commissioner to be applied according to the Decree of this Court.

Isaac Alexander et Ux. ) ORDERED that the Exceptions filed by  
Vs ) the Complainants in this case be re-  
Exor of A. F. Brisbane ) ceived and that they be referred to  
the Commissioner.

William Thomas Linton ) Bill  
Vs ) and Mathis for Complain<sup>t</sup>  
James Davis, and )  
William Nelson ) Answer Brown for Defend<sup>t</sup>

ORDERED that an Issue be had in the District where the land lies to wit at Newberry District at the next Court to be there holden by a feigned Issue to try the Title to the land in question and that the proceedings in this Case be received as Evidence on the Trial.

ADJOURNED TILL THE 16th DAY OF FEBRUARY NEXT.

FEBRUARY 16th 1801

At a Court of Equity begun and held at Camden, for the United District of Fairfield, Lancaster, Kershaw, Sumter, and Richland, on Monday, the sixteenth day of February, in the Year of our Lord one thousand Eight hundred and one, and in the twenty fifth Year of the Independence of the United States of America.

PRESENT.

The Honorable Hugh Rutledge, and William Marshal Esquire, two of the Judges of the Court of Equity in the State of South Carolina.

Com<sup>rs</sup> of the Treasury ) Bill of  
Vs ) Complaint James Sol<sup>r</sup> for Comp<sup>ts</sup>  
Exor of John Canty ) & for a  
discovery. Mathis for Defend<sup>ts</sup>

The Bill and answer being read Ordered that the Bill be dismissed

Exparte ) A Petition was filed previous to the  
Mary Rains. ) last Court by John Rains and Mary Rains,  
stating, that Martha Millet, the Sister

of the Petitioner Mary, has been from her Birth destitute of reason, and a Commission was ordered to be issued, to inquire of her Lunacy. The said Mary Rains by Joseph Brevard Esq<sup>r</sup> /Sol<sup>r</sup>/y no<sup>t</sup> suggests to the Court, that since the time of their filing the joint Petition, the said John Rains hath departed this life; on Motion of M<sup>r</sup>. Brevard, Ordered that the Commission be renewed.

Exparte ) A Petition was presented to the Court by  
Joseph Brevard ) Joseph Brevard Esquire, and John Craven,  
John Craven ) stating, that on the Eighth day of May,

in the Year of our Lord one thousand seven hundred and Ninety four, the Honorable the Judge of the said Court, then sitting at Columbia, did make an order in an Cause then depending in the said Court, between Bourdeaux and Atkinson, Complainants, and William Mill Defendant, whereby it was ordered, that all the Books and accounts in the said Cause, should be referred to the said Joseph Brevard the then Commissioner of the said Court, who was authorised to appoint a Clerk for the purpose of bringing up the Books and stating the Accounts; That in pursuance of the said order he engaged John Craven, the





FEBRUARY 16.th 1801

other Petitioner to perform the Business of Clerk, which he has faithfully performed and the said Joseph Brevard has examined the same, and Stuck the Ballances in the General Account between the Parties.

ORDERED that it be referred to the Commissioner to ascertain the compensation due the former Commissioner, and John Craven, the Clerk employed in bringing up the said Books, and Stating the Accounts, to be paid out of the property in dispute between the parties in the said suit, and that Col Hill have Notice to attend the taxation of the said Costs.

A Petition was presented from Theodore Stark Esq. one of the Attorneys of the Court of Common Pleas, praying for admission to plead and practise in the several Courts of Equity within this State.

M.r James W Taylor and M.r Brevard appointed to examine him

Adjourned till 10 O'clock to Morrow Morning

TUESDAY FEBRUARY 17.th 1801.

THE COURT MET ACCORDING TO ADJOURNMENT.

Samuel Hammond J.r ) The Commission issued to examine a Witness  
Vs ) about to depart the State having been re-  
Charles Barber ) turned. On Motion of M.r Brevard. ORDERED  
that it do pass publication

Zebulon Rudolph ) R.A Petition was presented to the Court,  
Vs ) and stating, that Thomas Broom the father  
Frances Broom & Martha ) of the Defendants died in Charleston  
Rebecca Broom ) in October 1799, leaving his Estate  
equally to be divided between the De-  
fendants and praying a Guardian to be assigned them for the special  
purpose of answering the Bill filed in this Case. ORDERED  
that John Murray be appointed Guardian of the said Children for  
the said purpose, and he personally appearing, agreed to the  
nomination.

William Wright Trustee &c. ) On motion of M.r Brevard. ORDERED  
Vs ) that he have leave to file an Addi-  
Duncan McFar, and ) tional Exhibit, to show further in-  
Zachariah Caney ) cumbrances on the property of W.m  
Dinkins previous to the Execution of  
the Bill of Sale to the Complainant, under which he claims.

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FEBRUARY 17.th 1801

Com.r.s of the Treasury ) Bill of James ) The Bill and answer  
Vs ) being read, ORDERED  
Glass Caston ) for discovery ) that the Accounts  
referred to the Commissioner to investigate; and that he report  
at the next Court.

Theodore Stark Esq.r having been examined in open Court by the Solicitor yesterday appointed for that purpose. ORDERED that his Petition be granted, and his name be enrolled amongst the Solicitors of this Court.

Com.r of the Treasury ) Bill of James ) The Bill and answer  
Vs ) being read.  
George Evans adm.r ) Comp.t ) Brevard ORDERED that the two  
John Marshall. ) & for ) Exhibits filed by the  
discovery ) Defendants be referred  
to the Commission to ascertain the amount of Taxes paid by the  
Individuals to each return, and that he report to Morrow.

Allen McGargle & Jan ) Bill of Mathis ) ORDERED that an In-  
his Wife & Eliz.th & ) Complaint ) junction do Issue, un-  
Northrup Marple ) and for Brevard ) til the Defendants do  
Vs ) file a full and compleat  
Robert & James Rabb ) answer, that then it  
and Philip Ralford ) Injunct.n ) Stand dissolved, and  
that the same be re-  
ceived and admitted as evidence on the trial at Law between the  
said Parties.

ADJOURNED TILL 11 O'CLOCK TO MORROW MORNING

WEDNESDAY FEBRUARY 18.th 1801.

THE COURT MET ACCORDING TO ADJOURNMENT

Com.r.s of the Treasury ) Bill of Complaint James  
Vs ) and  
Timothy Rives ) for discovery Taylor.  
William Myers a Witness in behalf of the Defendants being  
duly sworn, saith, that Joel McLenow, the Defendant, and  
himself, were appointed tax collectors at the same time,  
that Joel McLenow undertook to go to Charleston, and set-  
tle with the Treasurer with them all, that the Defendant  
collected for the upper part of the District, that the  
Treasurer refused to settle with McLenow unless they were  
all present, that this Deponent went to Charleston, and  
the Treasurer also refused to settle with him for them,  
that M.r Rives's returns were on loose pieces of paper,  
and were returned to this Deponent by them, in order that  
they might be entered regularly

FEBRUARY 18.th 1801

in a Book, and what afterwards became of the said returns 42  
of the Defendant or of the money and Indents collected by  
him, he does not know but that he this Deponent never set-  
tled with the Treasury until after it was removed to Col-  
umbia from Charleston.

Decree for the Complainants Thirty pounds, one sixth  
part to be paid in species the remainder to be paid at the  
rate special Indents sold at that time, say at Ten Shill-  
ings in the Pound, the Commissions due the Defendant for  
the collection of the whole amount first to be deducted.

Com.r.s of the Treasury ) ON MOTION OF M.r Jones. Ordered that he  
Vs ) have leave to amend his Bill.

Exor W.m McConico )

Samuel Hammond ) Bill Brevard The Bill and answer  
Vs ) of ) being read.  
Charles Barber ) Comp.t Taylor

Samuel Hammond being duly sworn, saith, that he was a Witness to  
the Deed from the Defendant to the Complainant, that the whole  
of it is in his hand writing, which he drew at the instance of  
both Parties, that the Defendant afterwards told this Deponent,  
that the Complainant had paid him for the land, and that he  
wished to give him a deed for it, that this Deponent drew the  
Deed by the description contained in the Bond, and at the in-  
stance of the Defendant, made the alteration which appears on the  
face of the Deed, the Complainant not being present, or privy to  
it, and when this Deponent saw the Complainant, he expressed  
himself not satisfied with it, but that this Deponent prevailed  
on him to accept it, mentioning, that the Defendant Barber was  
an honest Man, and would no doubt do what was fair, and honest.

Adam McMillie being also sworn, saith, that he surveyed the Tract  
of land at the request of the Complainant, who mentioned to him  
that the Defendant would meet them, he proceeded, but did not  
close the lines the first day, the Defendant was present, and  
pointed out the lines to the Deponent, this Deponent then ex-  
plained to the Court the marked trees and lines in the plat pro-  
duced by the Deponent.

FEBRUARY 18.th 1801

Sherrard Sims, Sworn, saith, that the Defendant came to his house,  
and told him, he had sold a tract of land to Samuel Hammond, the  
Complainant, that he was present at the laying of the Tract, that  
the Defendant said, he knew he was giving the Complainant more  
than one hundred Acres, but intended to do him a kindness, the  
Defendant was with them the whole time they were laying off the  
land, and desired him, as it was very hilly to give good measure,  
his father drew the Bond between the parties, but this Deponent  
does not recollect the contents of it, the Defendant was present,  
directing the manner in which it was drawn.  
Rawleigh Hammond also sworn, saith, he was a sworn chain carrier,  
called on by the Defendant, for the purpose of laying off the land  
sold to the Complainant and desired him to give his brother good  
measure, that this Deponent assented, he was sworn, and would do



justice, that another person then took the Chain, and Defendant told him, it was run for his Brother, and that if good measure was not given, it would not reach the Line to which he had sold him, this Deponent also explained the Lines and marked Trees. Philip Hawkins also sworn, saith, he was called on as a Witness to the Deed, that at the request of the Complainant he read it over, and being ~~and~~ again requested by the Complainant to repeat it, but was prevented by the Defendant, who took it from him, the Complainant expressed himself dissatisfied with it, this Deponent does not recollect the Contents.

The Court will decree to Morrow

ADJURNED TILL 11 O'CLOCK TO MORROW MORNING

THURSDAY FEBRUARY 19.th 1801

The Court met according to Adjournment.

Zebulon Rudolph ) The Bill and answer being read, and the  
Vs ) Court having heard Counsel thereon, and  
Frances Broom & ) duly considered the same Order and Decree  
Mar. J. Rebecca Broom ) that the Guardian of the said Minors, do  
execute Titles to the Complainants, and  
his Heirs, in fee, of, in, and to, one undivided Moity of the  
Lands mentioned in the said Bill, that the Complainant do pay  
one half of the purchase Money of the said Premises, out of his  
own private funds, and that the said Titles do remain in the hands  
of the Commissioner as an Escrow, until the same be paid, and  
that the Complainant do pay the Costs of Suit

FEBRUARY 19.th 1801.

Samuel Hammond ) ORDERED that a Trial at Law be had in this  
Vs ) cause on assigned issue, the principal facts  
Charles Barbar ) for the Jury to ascertain are the following,  
whether the deed of conveyance from the ~~Marshall~~  
~~Marshall~~ Defendant to the Complainant, which was produced in  
evidence, and is a subject of dispute in this Cause, differs ma-  
terially, and wherein from the verbal agreement previously enter-  
ed into, between the parties, concerning the Land in dispute?  
Whereabouts the Western, and Northern boundary Lines of the tract  
of Land, sold by the Defendant to the Complainant, by verbal agree-  
ment ought to terminate; whether, at a place, or corner, on or  
near Hood's line, or at a Corner of Russells tract, or what other  
place, or point represented in the plat of resurvey of said Land,  
made by Adam McMillie, in Evidence in this Court, also ORDERED that  
the said Plat of Survey be received, and admitted as Evidence, on  
the Trial of the said feigned issue, and that the examination of  
Witnesses, taken de bene esse by order of this Court, be closed  
up by the Commissioner, directed, and sent to the Court of Common  
Pleas for Lancaster District, to be received in Evidence there up-  
on the Trial of the said facts de bene esse and it is further  
ORDERED, that perot Evidence shall be admitted upon the Trial a-  
foresaid, to explain, and ascertain the original verbal agreement  
about the Land in dispute and every material circumstance relative  
to the erasions, and alteration in the deed of conveyance, the man-  
ner in which it was received by the Complainant, from the Defendant,  
and in what manner the Bond for Titles was obtained by the Defend-  
ant, from the Complainant. Also ordered that the Defendants answer  
to the Complainants Bill be read in Evidence to the Jury on the  
Trial of the Issue hereby directed to be tried at Law.

Comrs of the Treasury ) Bill of James  
Vs ) The Bill and answer  
Admor John Billing ) Comp.t Brown having been read.

ORDERED THAT THE BILL BE DISMISSED

FEBRUARY 19.th 1801.

William Wright ) Demurrer  
Vs ) to  
Duncan McKa & ) Bill  
Zachariah Cantey ) Bill

ADJURNED TILL 11 O'CLOCK TO MORROW MORNING.

FRIDAY FEBRUARY 20.th 1801.

THE COURT MET ACCORDING TO ADJURNMENT.

William Wright ) Demurrer James  
Vs ) to Bill of  
Duncan McKa & ) Complaint. Brevard & )  
Zachariah Cantey ) Blanding )  
ORDERED that the De-  
murrer be dismissed,  
the Injunction con-  
tinued, and that the  
Defendants do answer  
over.

Isaac Alexander et Ux ) Bill Brown  
Vs ) of  
Ex. A. P. Brisbane ) Comp.t Brevard  
The Bill and answer hav-  
ing been read and counsel  
heard by the Court on  
the Exception to the Re-  
port of the Commissioner

ORDERED that the defendant do answer and disclose the  
property, and their Issue which was bought in by for the  
Defendants testator at the Sale of his fathers Estate.  
Also ORDERED that a Commission do issue to examine Witness-  
es in the State of Georgia, and also a Commission to exam-  
ine Patterson de bene esse.

DECEMBER 8.th 1801

[blank] 46  
47

At a Meeting of the court of Equity begun to be holden at Camden  
for the United District of Lancaster Kershaw Sumter "Highland and  
Fairfield on Tuesday the Eight day of December in the ~~Year of~~  
of Year of our Lord one thousand eight hundred and one and in  
the twenty sixth Year of American Independence.

PRESENT

The Honorable Hugh Rutledge and William Marshal Esq.rs Judges  
Judges of the Court of Equity.  
Martyn Atken et al ) ON MOTION of Mr Madden Comp.t Solicitor  
Vs ) ORDERED that he have leave to amend his  
Wade Hampton ) Bill.

Comrs of the Treas'y ) ON MOTION of Mr James.  
Vs ) ORDERED that the Bill be dismissed, the  
William Shannon ) Defendant having never been found.

Comrs of the Treasury )  
Vs ) Abated by death of Defendant.  
Glass Caston )

Minor Winn )  
Vs ) The Bill and answer having been read  
John Connor ) Bill ORDERED that the Bill be dismissed with  
Costs.

Allen Magargill et al ) An affidavit being submitted to the  
Vs ) Court stating that Allen Magargill  
Robert Rabb et al ) Jane Margargill and Elizabeth Warple  
are Inhabitants of the State of Pennsyl-  
vania an not amiable to the process of this Court. Ordered to  
stand over at the Complainants Cost and that they do enter Se-  
curity for Cost on or before the Meeting of the next Court,  
otherwise the Bill to be dismissed. On Motion of Mr Blanding.  
Ordered that he have leave to amend the Bill.

DECEMBER 9.th 1801.

Thomas Nelson )  
Vs ) It appearing on affidavit to the court  
James Rutherford et al ) that the Defendant resides out of the  
State. Ordered that Notice be insert-  
ed in the Gazette that they do appear  
and answer in three Months, otherwise the Bill to be taken pro  
confesso.

DECEMBER 9.th 1801

William Wright, trustee &c. ) Exception to the Report of the Com-  
Vs ) missioner The Court having heard the  
Duncan McKa, and ) Parties by their Solicitors, Ordered  
Zachariah Cantey ) that the report be confirmed

ORDERED that the Complainants do shew Cause to Morrow  
why the Injunction in this Case should not be dissolved





MS Is Alexander et Ux. ) The Bill and answer having been read 20  
 Vs ) ON MOTION of M.r Brown. Ordered that  
 Exix A. F. Brisbane ) the Commission~~x~~ returned do pass publication.

Daniel Brown sworn saith that a M.r Nott a student of his in the latter end of 1790 mentioned that Col Brisbane requested him to draw a Bond of Indemnity to be signed by D.r Alexander and Wife in pursuance of an Award between them on their claims on the Estates of William Brisbane and William Alexander Brisbane that M.r Nott experienced some difficulty and applied to this Dependent, who drew the Condition for him, that when the former action was depending he was Counsel for the Complainants and was in Company with Col Brisbane who told this Dependent that he paid no consideration for the property purchased for him in Georgia, that his Brother would not suffer him to have any thing to do in the Business

The further consideration of this Cause postponed till to Morrow.

49 DECEMBER 10.th 1801.

Isaac Alexander et Ux ) ORDERED and decreed that the real and  
 Vs ) personal Estate of which the late William  
 Exix A. F. Brisbane ) Alexander Brisbane died possessed which  
 he derived from his Father Doctor William  
 Brisbane and now in the possession of the Defendant be liable and chargeable with the payment of the Complainants demand as settled by the award in the Bill mentioned with interest thereon as far as the same shall extend and the Ballance of any be satisfied out of the property of the Defendant which was derived to her testator from the Estate of Doct. William Brisbane that if there shall still be a deficiency Such ballance shall be paid out of the Estates of William Alexander Brisbane and Adam Fowler Brisbane respectively after payment of their own private Debts that the Defendant under the direction of the Commissioner do expose to Sale and sell the property of the respective Estate above mentioned for the purpose aforesaid and that the Amount of Complainants demand should be paid into the hands of the Commissioner to be by him paid over to Complainant That the Injunction be continued so far as respects the property in the hands of the defendant which was derived from Doct. William Brisbane and that the Costs be paid out of the Estate.

William Wright ) ON MOTION of M.r James ORDERED that a  
 Vs ) Rule do issue requiring Lewis Dinkins a  
 Duncan McRa, ) Witness to shew Cause on the first day  
 and Zachariah Cantey ) of next Term why an Attachment should not  
 issue against him.

ORDERED to stand over at the Complainants Cost.

50 DECEMBER 10.th 1801

Exparte ) The Commissioner to whom was referred to as-  
 ) certain the Compensation due Joseph Brevard  
 Joseph Brevard ) the former Commissioner and John Craven the  
 John Craven ) Clerk employed in bringing up the Books re-  
 lative to a certain Cause formerly depending  
 in this Court between Bourdeaux and Atkinson Compts and William  
 Hill Defendant, having made the following report to wit. That he  
 has caused due and sufficient notice to be served on the said  
 William Hill requiring him to attend the said Taxation, and no  
 person appearing in his behalf he proceeded to examine the Ac-  
 counts produced to him by the said Commissioner and Clerk and up-  
 on such examination it appears That the Account of Joseph Brevard  
 amounting to Twenty Nine pounds 12/6 is a just and reason-  
 able compensation for the services performed by him in the cause  
 before Stated. That in the Account of John Craven amounting to  
 is therein inserted of £ 30. for Board and lodging which the Com-  
 mission recommends may be deducted and that the Ballance of the  
 said Account may be allowed him as an equitable and full recom-  
 pence for such services.

ORDERED that a rule be served on Col. William Hill requir-  
 ing him to shew cause on the first day of the next Court why the  
 said award should not be confirmed.

Adjourned.

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FEBRUARY 21 1803

At a Meeting of the Court of Equity in and for the United Dis-  
 tricts of Lancaster Kershaw Sumter Richland and Fairfield on Mon-  
 day the Twenty first day of February in the Twenty Seventh Year  
 of the Independence of the United States of America and in the  
 Year of our Lord one thousand Eight hundred and three.

PRESIDENT

The Hon.ble William Marshall and William James Esq. Two of the  
 Judges of the court of Equity in the said State.  
 William James Esq presented to the Court a commission constitu-  
 ting and appointing him one of the Judges of this court which  
 was read and is as follows

To William James Esquire

We reposing Special trust and confidence in  
 your abilities care prudence and integrity have commissioned con-  
 stituted and appointed and by these presents do commission con-  
 stitute and appoint you the said William James one of the Judges  
 of the court of Equity of the State aforesaid To have hold exer-  
 cise and enjoy the said Office together with all rights preve-  
 lages profits and emolments whatsoever thereunto belonging or  
 in any wise appertaining This commission to continue inforce  
 during good Behavior. Given under the great Seal of the State.

Witness His Excellency James Burchel Richardson Esquire  
 Governor and Commander in Chief in and over the State aforesaid  
 in the Town of Columbia this fourteenth

21 feby 1803

day of December in the Year of our lord one thousand Eight hun-  
 dred and three and in the Twenty Seventh Year of American Inde-  
 pendence.

James B. Richardson

By the Governor

Isaac Nott Dart Sect.y  
 State of South Carolina.

I hereby Certify that I have this day qualified  
 William James Esq. as Judge of the Court of Equity Dec.r 15, 1802  
 James B. Richardson.

Thomas Hise et al ) Bill for Injunction and ne exeat.  
 Vs ) ORDERED that the Complaint do shew cause  
 Elijah Jones ) to Morrow why the said Injunction and ne  
 exeat Should not be dissolved.

Wern & Cantey ) ORDERED that the Complainant do shew Cause  
 Vs ) do Morrow why the Injunction in this Cause  
 William Wright ) should not be dissolved.

Sam Hammond ) ORDERED that the Defendant do shew Cause  
 Vs ) on or before the Twenty third Instant why  
 Charles Barbar. ) an Attachment should not issue against him  
 for refusing to submit to an order of this  
 Court freeing a feigned issue to try the  
 matters of fact involved in this cause

Com.rs Treasury ) Bill Abated by death of Defendant  
 Vs ) &  
 William Goodwyn ) Answer

21 February 1803

Com.rs Treasury ) Bill and answer having been read  
 Vs ) ORDERED that the Bill be dismissed  
 William Massey )

Jennings Tucker & Co ) ON MOTION of M.r Mathis. Ordered ~~to~~ stand  
 Vs ) over and that the Defendant have leave to  
 Exors Jos. Kershaw ) send his answer.

Admors Compty ) ORDERED that the Complainants do shew Cause  
 Vs ) to Morrow why the Injunction in this cause  
 Gen.l Richd Winn ) should not be dissolved.

William Wright ) ORDERED to stand over and that the parties  
 Vs ) have leave to examine these Witnesses de  
 McRa & Cantey ) bene esse.

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FEBRUARY 22/4/ 1803

THE COURT MET ACCORDING TO ADJOURNMENT.

Com. ts Treasury )  
 v ) Bill and answer having been read.  
 Admors Isaac Love ) ORDERED that the Bill be dismissed.

Martyn & tken & t's )  
 Trustees of Ann Waring ) The Defendant having settled and obtained a discharge in full from the Trustees of Mrs Ann Waring and her Children.  
 v ) Ordered that the names of the Trustees  
 Wade Hampton ) be struck out of the said Bill

Leb Rudolph et al )  
 v ) ON MOTION M.r Mathis. ORDERED that M.r  
 Exors S Boykin et al ) Frances Bo kin be appointed Guardian to  
 John Boykin and William Boykin Infants  
 and Defendants in this Cause pursuant  
 to a Petition preferred to the Court for that purpose by the  
 Complainants.

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February 22.d 1803

Admor Tho Brown )  
 v ) The Bill and answer having been read  
 McRa Cantey & Henry ) Ordered that leave be given to each  
 party to examine these witnesses de  
 bene esse.

McRa Cantey & Henry )  
 v ) On Motion of M.r Blanding on behalf of  
 Admors Thos Broom. ) (X) the Complainants in the crop Bill Or-  
 dered that all matters of account in  
 these cases be referred to the Commis-  
 sion of this Court and that he do report thereon in  
 such manner and in such form as he may think best calculated to  
 bring the said Causes to a final hearing, and in order that the  
 said Commissioner may be enabled to make out his report accurately  
 Benjamin Bineham on behalf of the Complainants in the crop Bill  
 and James S. Murray on behalf of the same Bill be hereby appoint-  
 ed as assistant accountants and that in case of the refusal to  
 act or the non attendance of either of the said assistant, The  
 Commissioner be authorised to appoint another person in his room  
 and that in case of no person accepting to act on part of either  
 of the parties the Commissioner either separately or in conjunc-  
 tion with the acting assistant be authorised to proceed in mak-  
 ing the said Report that the said Commission be authorised to ap-  
 point a Clerk or Clerks for the purpose of drawing out and  
 bringing up the Accounts and making all necessary Statements and  
 it is further ordered that all the said parties shall have free  
 access at all times to the Books Bills Invoices and all and every  
 paper or writing both of the concerns of Thomas Broom and Cantey  
 Broom & Co and also all the Books Bills Invoices and all papers  
 and writings relating to the Business of the Garden Mills during  
 the time of the Continuance of the said Copartnership

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February 22.d 1803

and that the persons having Custody of the same be required to  
 produce them whenever directed by the Commissioner

William Wright )  
 v ) The Injunction Bond in this cause having been  
 McRa & Cantey ) informally taken Ordered that the Complainant  
 do enter into Bond conditioned in the form now  
 usually adopted. Ordered that the name of  
 M.r Richardson be substituted in the room of M.r James.

Com. rs Treasury )  
 v ) The Bill and answer having been read  
 Adm. r Jn. o Marshall ) ORDERED that the Bill be dismissed

Marshall et al. )  
 v ) ORDERED to stand over with leave to examine  
 Jn. o & Rob. t Rabb et al ) the Witnesses of each party, in Chief by  
 Commission and that M.r Brown be sub-  
 stituted in the room of M.r Brown for  
 Defendant Gaiford.

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Ex Sarah Smith ) Upon the Affidavit of the Defendant Stating  
 v ) the absence of John Hopkins and Fred. k Myers  
 Willis Whitaker ) Witnesses material to her Defence and who were  
 Subpoenaed.  
 Ordered to stand over at his Expense and that  
 the Complainant have leave to examine these Witnesses de bene esse

Exparte )  
 v ) Petition to be appointed Guardian to Arabella  
 George Evans ) Middleton an infant. Ordered that the said  
 George Evans be appointed Guardian agreeable  
 to the prayer of the petition and he appearing  
 agreed to the nomination and accepted the trust.

ADJOURNED TILL TO MORROW MORNING 10 OCLOCK.  
FEBRUARY 23.d 1803

THE COURT MET ACCORDING TO ADJOURNMENT.

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Isaac Alexander et )  
 v ) The Commission having reported that in  
 Exr A. F. Brisbane ) pursuance of the Decree of this Honorable  
 Court made in this Cause in December which  
 was in the Year of our lord one thousand  
 seven /Eight/ hundred and one he caused to be advertised the per-  
 sonal estate of which William Alexander Brisbane died possessed  
 which he derived from his father D.r William Brisbane for sale  
 on the first Monday and Tuesday in February last past that Thirty  
 Eight Negroes were exposed to Sale and Sold for the Sum of Thir-  
 teen thousand six hundred and Eighty six Dollars of which he  
 collected and paid to the Complainants Twelve thousand six hun-  
 dred and Eighty Eight Dollars and thirty Cents being the full A-  
 mount of the principal and interest of their Demand that the Bal-  
 lance of the Sales amounting nine hundred and Ninety seven Dol-  
 lars seventy Cents remains in the hands of the Executrix (who  
 was the principal purchaser) still unaccounted for, and that the  
 Costs a Statement whereof is hereunto annexed have never yet  
 been paid.

Ordered that the above report be received and that a rule  
 be served on the Executrix to shew Cause to Morrow why the Decree  
 has not been fully complied with.

Nathaniel Henderson ) Bill and answer having been read.  
 v )  
 William Marlow et Ux. ) The Bill of Complainants father produced  
 George Wade sworn saith that a considerable part about  
 two thirds of the purchase money was paid by the Complainants  
 father for the Negroes purchased of him in August seventeen

Feb. y 23.d 1803

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hundred and seventy nine which he said he intended for his Daugh-  
 ter Elizabeth and wished the Bill of Sale made to her it was al-  
 ways generally understood it was for her and he made the Bill of  
 Sale accordingly the Balance of the purchase money was paid to  
 him afterwards by the said Daughter Elizabeth Sherrod Henderson  
 the Brother of the Complainant left this Country some time in  
 the latter end of the Year 1780 and carried with him a Negro  
 named Mark which was purchased in 1779. He heard it reported  
 that he was dead. The Bill of Sale to Elizabeth Henderson was  
 produced and acknowledged by this Deponent that it was executed  
 openly and fairly.

Middleton McDonald sworn saith that Sherrod Henderson left this  
 Country in the fall of the Year 1780, he believes him to be dead  
 He had a Judgement against the Estate of M.r Henderson but did  
 not put it in Execution M.r Marlow has since paid it, a small  
 stock of Cattle and Hogs came into the possession of M.r Marlow  
 of her fathers Estate John Cornelius informed him about six  
 weeks ago that he knew and had seen Sherrod Henderson in the low-  
 er part of the State of Georgia that he answered the description  
 of him who went away in 1780. At the time old M.r Henderson pur-  
 chased the Negro bench and Child the Country was quiet and he  
 did not think there was any necessity to make use of uncommon  
 means to secure property.

William McDonald sworn saith he has seen the negro bought by  
 Complainants father of M.r Wade he was present when Wade gave  
 M.r Marlow, (then Elizabeth Henderson) the Bill of Sale. James  
 Henderson went to Georgia in search of Sherrod Henderson but





heard nothing of him, about four Weeks ago the report in the settlement was that he was alive, he believes him to be dead. William Hicklin Sworn, Saith that he knew a Tract of Land

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February 23.d 1803

belonging to old M<sup>r</sup>. Henderson which came to the possession of M<sup>rs</sup>. Marlow he rented the place in the life time of the Mother of the Complainant the rent worth about 40 Bushels Corn & 40 Bushels Wheat P<sup>r</sup> Ann. not very valuable, M<sup>r</sup>. Marlow now tends the land with the increase of the original Stock thereabout eight or nine Negroes six young the rest not grown, a report by John Cornelius since Christmas that Sherrod Henderson was alive in Georgia.

Thomas Glaze, for Defendant sworn saith that he has resided in the Neighbourhood near forty Years he always understood from the family and from Defendants father that the Negroes purchased by old M<sup>r</sup>. Henderson of M<sup>r</sup>. Ade were for his Daughter Elizabeth, he knew the Land that came to the possession of M<sup>r</sup>. Marlow of her father after the death of her Mother it has been lying waste a long time not worth more than 7/ P<sup>r</sup> Acre, He thinks old M<sup>r</sup>. Henderson died before his Daughter was married to Marlow.

Joiner told him Sherrod Henderson was alive in Georgia that he lived close by him, that said Sherrod Henderson told said Joiner he had a Brother killed on the Mountain Island on the Catawba and this Deponent was present and saw him killed his name was Tyre Henderson he believes Sherrod Henderson to be alive and in Georgia, Elizabeth Henderson had a Stock of Cattle of her own before she married Marlow

Sarah Glaze Sworn Saith she lived in the Neighbourhood of the Hendersons and often heard both the father and Mother of M<sup>rs</sup>. Marlow say and declare that the Negroes Rose and her Daughter Mary belonged to their daughter Betsy, that M<sup>rs</sup>. Marlow supported her Mother. She had in her own right a small stock of Cattle. George Hicklin Sworn Saith he knows the land belonging to

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February 23.d 1803

to old M<sup>r</sup>. Henderson that it is much washed and worn out it lay waste many years 7/- per acre a high valuation one hundred acres in quantity the fences were burnt the yearly rent would not be worth more than fencing the land and keeping it in repair M<sup>rs</sup>. Marlow had a small stock of Cattle he heard both her father and Mother say so. A Colt which belonged to Sherrod Henderson when he went awa, he gave to M<sup>rs</sup>. Marlow then Betsy Henderson.

Hicklin sworn proves a receipt from W<sup>m</sup>. McDonald in payment of a Judgement against the Estate of M<sup>r</sup>. Henderson

The Court will decree to Morrow

Exparte ) Petition to appoint Guardian to Maria and Elizabeth  
Dearington Defendants and Minors  
Samuel James ) Ordered that Reuben Long be appointed Guardian a-  
John James ) greable to the prayer of the petition and ne appearing agreed to accept the Trust.

Samuel Hammond ) The Defendant by M<sup>r</sup>. Falconer having shown  
Charles Barbar ) Cause to the rule ordered for him to shew cause  
why an attachment should not issue against him for a contempt. Ordered that the rule be discharged.

Thomas Nelson ) ON MOTION of M<sup>r</sup>. Blanding Ordered that  
James Rutherford ) he have leave to put the plea to the  
& the Exors Landsford ) Judgement of the Court and that the Defendant have leave to a ward his answer

ADJOURNED TILL TO MORROW MORNING 10 OCLOCK

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February 24.th 1803.

THE COURT MET ACCORDING TO ADJURNMENT.

Exparte ) ORDERED that a further rule be served on  
Joseph Grevard ) William Will requiring him to shew cause on  
John Craven ) the first day of the next Court why the report made by the Commissioner in Dec<sup>r</sup> 1801 and then submitted should not be confirmed.

Math. Henderson ) Ordered and Decreed that the Complainants  
M<sup>r</sup>. Marlow et al ) Bill be dismissed with Costs

Sam<sup>l</sup>/ Hammond J<sup>r</sup> ) ORDERED to stand over at the Defendants  
V ) Cost under a peremptory rule for trial next  
Charles Barbar ) Court that both parties have leave to examine their Witnesses de bene esse but that Sherrod Sims and Samuel Hammond Witnesses for Complainant be examined in Chief

Is. Alexander et Ux ) ORDERED that the Executrix do pay the costs  
V ) hereinafter mentioned as Stated by the Com-  
Ex<sup>r</sup> A. P. Brisbane ) missioner and annexed to his report of the Sales had under the Decree in this Case.  
Solicitor ) £ 34' 2' 10  
Sheriff fees ) 5' 1'  
Commissioners fees £12.15.6  
His Commissions on Sales 32. 7. 45' 2' 6  
£ 22' 6' 4

Admor Compty ) ORDERED to stand over under a peremptory rule  
V ) for Trial next and that the Complainant have  
Gen<sup>l</sup> Rich<sup>d</sup> Winn ) leave to amend his Bill within one Month

FEBRUARY 24.th 1803

Joseph Fort ) On the Affidavit of Thomas Huse stating the  
V ) absence of Thomas Huse a Witness material to his  
Huse et al ) defence. Ordered to stand over at the Complainants Cost and that each party have leave to answer their Witnesses de bene esse.

John Briggs et Ux ) By consent. Ordered that a rule of Survey do  
V ) issue to ascertain the lines of the Land be-  
Exors Math. Casey ) longing to the estate.

Sam<sup>l</sup>/ James et al ) On Motion of M<sup>r</sup>. Blanding. Ordered that he  
V ) have leave to amend his Bill  
Dearington et al )

DECEMBER 6.th 1803

At a Meeting of the Court of Equity in and for the united District of Lancaster Mershaw Sumter Fairfield and Richland on Tuesday the sixth day of December in the Year of our lord one thousand eight hundred and three and in the Twenty-Eighth Year of the Sovereignty and Independence of the United States of America.

PRESENT

The Hon<sup>ble</sup> William Marshal and William James Requires two of the Judges of the Court of Equity of the said State.

Jennings Tucker & C<sup>o</sup> ) The proceedings in this Case having been  
V ) lost. On Motion of M<sup>r</sup>. Blanding; ORDERED  
Exor of Jos. Mershaw ) that he have leave to substitute the proceedings and that he also have leave to substitute the proceedings withdraw the replication made in this Cause and reply in the usual way ORDERED that M<sup>r</sup>. Blanding be substituted Solicitor for the Complainants in the room of M<sup>r</sup>. McCrady.

W<sup>m</sup>. Richardson et al. ) Ordered that this case stand revived a-  
V ) gainst the Defendants Abraham Rutledge  
Burrell Boykin et al. ) and Isaac Rutledge. On motion of M<sup>r</sup>. Hall  
Solicitor for the Defendants. Ordered that he have leave to amend his plea.

Joseph Fort ) On an Affidavit of Jesse Davis Stating that he had  
V ) a conversation with Jelling Willmerson a Witness  
Elijah Jones ) for the Defendants who had been regularly subpoenaed, on Saturday last who mentioned that he would not attend. Ordered that an Attachment do immediately issue against him

Ex<sup>r</sup> of Tho. Smith ) Ordered that M<sup>r</sup>. Hall be substituted  
V ) Solicitor for the Defendants in the  
Ex<sup>r</sup>s Tho<sup>s</sup> / W<sup>m</sup>/ Whitaker ) room of M<sup>r</sup>. Brown

December 6.th 1803

An Inquisition taken in pursuance and by Virtue of a commission issued in nature of a writ de lunaticis inquirendo under the Seal of the said Court to inquire whether James Taylor of the district



of Richard is a Lunatic or not and whether he is sufficient for the Government of himself and his property having been this day returned, upon the Oaths of persons for that purpose appointed who say that the said James Taylor the Elder at the time of taking the Inquisition is a Lunatic and of unsound mind, that he is not capable of the Government of himself and his property.

ORDERED that the said return be confirmed.

A Petition was presented to the Court from Thomas Taylor the Elder Thomas Taylor J. R. Mary Taylor & Goodwyn and Martha Taylor stating that a return to a Commission of Lunacy had been had whereby it appears that he has been and still continues a Lunatic and praying that proper persons be appointed to take charge of the person of the said James Taylor and the management of his Estate.

On Motion of M. R. Hall Solicitor for the Petitioners ORDERED that the Schedule marked A with the accounts accompanying the same be referred to the Commissioner and also the Schedule marked B be also referred to the said Commissioner and that he do report what part of the Estate of the said James Taylor it would be proper should be sold for the payment of the Debts of the said James Taylor and also that John Taylor and Keating Simons the Elder be appointed to take the possession and management of the said Estate (Col Taylor the former Trustee having requested to decline acting), and in case the said Keating Simons should also decline acting under this order that the said John Taylor be authorised to take the sole management of the said Estate and that G. Goodwyn and Sarah his wife Thomas Taylor and Mary his wife and Martha Taylor be appointed to take charge of the person of the said James Taylor

December 6. th 1803

Comrs of the Treasury	)	The Bill and answer having been read.
Admor John Lawson	)	ORDERED that the Bill be dismissed
Lovick Rochell	)	ORDERED that M. R. Falconer be substituted
James Holmes	)	Sol. r for Complainants in the room of
	)	M. R. Duncan
Duncan McRa et al	)	Ordered that M. R. Richardson be substituted
Admor Tho. Broom	)	Sol. r for the Defendant in the room of
	)	M. R. James.
Admor Tho. Broom	)	ORDERED that M. R. Richardson be substituted
Duncan McRa et al	)	Solicitor for the Complainant in the room
	)	of M. R. McGrady
William Wright	)	
McRa & Cantey	)	ORDERED to stand over.
Comrs of the Treasury	)	
Exor Benjamin Hille	)	By consent. Ordered to stand over
T. Marple et al	)	M. R. Falconer Counsel for one of the Defendants
James & Robert Pabb	)	attending the Legislature Ordered to
& Philip Hayford	)	stand over and that the Parties have
	)	leave to examine those Witnesses de bene
	)	esse before the Commissioner.
Exor Tho. Smith	)	M. R. Blandine counsel for the D. c. te sug-
Exors Wm Whitaker	)	gestions that one of the Defendants is a
	)	Member of the Legislature ORDERED to
	)	stand over
Sam. l Hammond J. R	)	M. R. Falconer the leading Counsel for the
Charles Barber	)	D. f. t a Member of the Legislature and not
	)	attending this Court ORDERED to stand
	)	over.

December 6. th 1803

Admors Compy	)	M. R. Lagan Solicitor for the Complainants not
Gen. l Richard Winn	)	attending ORDERED to stand over
Thomas Nelson	)	M. R. Lagan Sol. r for the Defendant, not at-
James Rutherford et al	)	tending ORDERED to stand over.
John Briggs et ux	)	The Defendant by A. Blandine his Solicitor
Exors M. Carey	)	claiming his privilege as a Member of the
	)	Legislature.
	)	ORDERED to stand over.
Exparte	)	The Petition being against Col. Hill a Mem-
Joseph Brevard	)	ber of the Legislature.
John Craven	)	ORDERED to stand over
Adm. r J. A. Watson	)	
Jonathan Belton	)	By consent. ORDERED to stand over
Adm. r A. McLeod	)	
Jonathan Belton	)	By consent. ORDERED to stand over
Lovick Rochell	)	M. R. Falconer Solicitor for the Complainants
James Holmes	)	being absent.
	)	ORDERED to stand over.

ADJOURNED TILL TO MORROW MORNING 10 O'CLOCK.

WEDNESDAY DECEMBER 7. th 1803

THE COURT MET ACCORDING TO ADJOURNMENT.

Lovick Rochell	)	ORDERED that the Complainant have leave to
James Holmes	)	amend his Bill provided the same be done with-
	)	in ten days in order that the Defendant may
	)	have time to send to Georgia to amend the an-
	)	swer before the next Court.

December 7. th 1803

Richardson & Cantey	)	By consent ordered that this Cause be
Boykin & Exors Rutledge	)	referred to the award and final determi-
	)	nation of and that the
	)	same be returnable the first day of the
	)	next Term.
Feb. Rudolph et al	)	ORDERED by consent that it be referred
Exors Sam. l Boykin et al	)	to the Commissioner of this Court to
	)	take an Account of the Estate of Sam. l
	)	Boykin dec. d both real and personal al-
	)	so of what just Debts or demands were against him at the time of
	)	his decease distinguishing in each Case whether they were then
	)	due on Judgements Bonds Notes, or open accounts also of which or
	)	how much of them respectively have been paid and by whom also of
	)	the Drops made on the plantations or with the Slaves of the said
	)	deceased since his death or of the hire work and labour of the
	)	said Slaves and who have had the benefit thereof. Also what sud-
	)	gements and Executions have been obtained against the said Estate
	)	since the death of the said Samuel Boykin and what Sales have
	)	been had thereon and also that the Commissioner do examine the
	)	accounts and Vouchers of the Executors against the Estate of Sam-
	)	uel Boykin and their receipts and expenditures.
Admor Tho. Broom	)	ORDERED to stand over under a peremptory
McRa Cantey & C. o	)	rule for trial in February next.
McRa Cantey & C. o	)	ORDERED to stand over under a peremptory
Admor Tho. Broom	)	rule for trial in February next.
Allen Warville et al	)	THE MOTION of M. R. Blandine
Robert Pabb et al	)	ORDERED that this Bill be revived.





Richard L. Champion Commissioner of this Court to whom was referred the Schedule marked A and B accompanying a Petition presented to the Court by Col. Thomas Taylor Thomas Taylor J.R.

December 7. th 1803

Mary Taylor & Woodwyn Sarah Woodwyn and Martha Taylor praying that proper persons be appointed to take care of the person of James Taylor a Lunatic, and the management of his Estate.

REPORTS, that he has examined the account of Expenditures marked A made by Thomas Taylor (the trustee appointed to take charge of James Taylor pending the inquiry ordered by this Court respecting the mental derangement of the said James Taylor) and find the amount of the said accounts after deducting the amount of Sales of a portion of the last Years Crop to be Two thousand and Twenty one Dollars and eighty two and a half Cents which sum he recommends should be ordered to be refunded to the said Thomas Taylor out of the first monies arising from the Sale of the present Years Crop or from the Sales of other property of the Estate which may be ordered to be sold.

That upon examining the return of the Jury of Inquest and from information received respecting the amount of Debts due to the said James Taylor as well also as estimating the present Crop of the Estate; the said Estate amounts in value to near Ninety the said Dollars. That it appears from the Schedule marked B that there is due by the Estate to creditors of various decrees (the precise nature of some of the demands not being specified) at least Fourteen thousand five hundred pounds. That there are Ninety two Negroes of which the Commissioner is informed there is about sixty working hands belonging to the Estate which from the information received from John Taylor the trustee lately appointed are not more than sufficient to cultivate the upper Plantation of the said James Taylor on the Congaree River and to attend the Mills of the said Estate. It appears therefore necessary in order to extricate the Estate from the large demands against it, and to injure its yearly production as little as possible to sell all the lands of the said Estate except the said Upper plantation

December 7. th 1803

of the said James Taylor on the Congaree River and the Mill tract with the Mansion House thereon. The Commissioner therefore recommends that an order be made directing John Taylor and Neating Sherids the trustees appointed to sell at Public Sale the real Estate of the said James Taylor except the two tracts above mentioned upon such terms and under such conditions as they upon consulting the Creditors, shall think most proper and Satisfactory reserving a power in the said Trustees of bidding in any part which they think does not sell to nearly its Value.

It is represented to the Commissioner that there is a larger Stock of Cattle and Hogs than is necessary to be kept for the use of the Estate and as the said Stock is now in saleable order he recommends that so much of the Stock as can with convenience and advantage be spared be sold immediately for Cash or on a Short Credit.

Signed R. L. Champion Com  
thereon to be made are to be under the direction of the Commissioner of this Court.

John & Samuel James ) The Bill and answer having been read  
vs )  
Heirs of Dearington ) ORDERED and Decreed that the said William Rembert and Priscilla his wife James English and Ann his wife and Thomas Dearington in their own right and the said William Rees on behalf the Defendant John Dearington and Reubin Long on behalf of the Defendants Eliza Dearington and Maria Dearington do make and Execute to the said Samuel James such Deeds or assurances in law to the said Tracts of One hundred and Eighty four Acres and Three hundred

December 7. th 1803

and Forty six Acres in the said Mill mentioned and the Commissioner of this Court may direct for the purpose of conveying the legal

Title to the said Tracts of land to the said Complainant Samuel James and that the said Defendants do also execute to the Complainant John James like Titles to the said Tract of Two hundred and thirty Eight Acres in the said Mill mentioned and this Decree be binding on the said John Dearington Eliza Dearington and Maria Dearington unless being served with a Subpoena to show Cause against the same, they shall within six Months after they shall within six respectively attain the age of Twenty one years show unto this Court good cause to the contrary and it is further ordered that the Complainants do pay the Costs.  
Jennings Tucker & Co. ) On an Affidavit of the Defendant Stating  
vs ) the absence of a material Witness  
Exor Joseph Kershaw ) ORDERED to stand over.

ADJOURNED TILL TO MORROW MORNING 10 O'CLOCK

TUESDAY DECEMBER 8. th 1803

THE COURT MET ACCORDING TO ADJOURNMENT

John Hampton ) It appearing to the Court on Affidavit that  
vs ) William Thompson and Robert Lindsay beside with  
Richard Winn et al ) out the limits of this State.

ORDERED that the said Defendants do appear in the said Court at Kershaw Court House on or before the first day of October next and plead answer or demur to the Bill of Complaint filed or the said Bill will be taken pro confesso and the said Court will make such decree thereon as to the same Court shall appear just and equitable.

December 8. th 1803

William Jones )  
vs )  
Thomas Huse J.r ) Bill and Answer having been read.  
and others )

Ralph Jones sworn saith that he gave the Negro Boy Ben to the Complainant without any reserve whatever, the money lent by him to Thomas Huse Senior was tendered to him before the action at Law was commenced by Joseph Fort against the Complainant it was about three Years since the Negro has been in the possession of the Complainant, the Negro was Nine Years old when he got him at the time was a charge to him.

The Court are of opinion that there are no particular grounds of Equity in the Bill, the Complainant seeking relief principally on the score of what he calls surprise in the trial at Law, but which by his own showing was occasioned by his neglect and inattention, and which circumstances were submitted to the Court of Common Pleas, the only Tribunal competent to grant a new Trial, and the new Trial refused, the Complainant had full and adequate remedy at Law, the case from its nature being properly xxxxx determinable there.

The Complainant is however entitled to the alternative stated in the Verdict of either delivering up Ben, or paying to Defendants Seven hundred Dollars and the Costs.

It is therefore Ordered a Decree that on his failing to pay the Defendant Joseph Fort his Agent or Solicitor the Seven hundred Dollars and the Costs within two months from this day (in which case Ben must be restored to Complainant) that then the Defendants be quitted in the possession of the Negro Ben already obtained (on paying to

December 8. th 1803

Complainant the forty Quinces tendered by them) and in such case that a perpetual Injunction do issue to restrain Defendants from enforcing their execution for the Seven hundred Dollars, and that the Complainant do pay the Costs of this Suit.

Eliz Smith ) ORDERED that the Defendant have leave to file  
vs ) a supplementary answer provided the same be  
Mrs Wm Whitaker ) filed by the tenth day of January next, and  
that the Complainant have leave to amend her  
Bill.

The Judges took into consideration the 43rd Rule of this Court  
The said Rule requires that all decrees shall be signed within



85 Eight days after they are made.

ORDERED that the time mentioned in the said Rule be extended to two Months in all cases arising on the Circuit out of Charleston.

72 [Blank]

73 February 20<sup>th</sup> 1804

At a Meeting of the Court of Equity in and for the United Districts of Lancaster, Berks, Sumter, Fairfield and Richland on Monday the Twentieth day of February in the Year of our Lord one thousand Eight hundred and four and in the twenty Eighth year of the Sovereignty and Independence of the United States of America.

PRESENT

The Honorable Hugh Rutledge and William James Esquires two of the Judges of the Court of Equity of the said State.  
Joseph Fort et al ) Exceptions to the report respecting the Costs  
Ed.s ) say Solr for Def.t as taxed £30.15. 7  
Elijah Jones ) Deduct by order of court 5.10

Comrs D.c £15. 9. 7  
Deduct by order 1. 5. 6  
14. 4. 1

Add fees since Decree 10. 15.14. 1

Add Comrs fees paid by Def.t to 3. 5. 8

Sheriffs fees 7. 1.19. 8

D. Muse & C. Ford 19/10 each 46.12. 8

ADJOURNED TILL TO MORROW MORNING 10 O'CLOCK.

TU. DAY 21<sup>st</sup> FEBRUARY 1804.

THE COURT MET ACCORDING TO ADJURNMENT.

A Petition was presented to the Court by James Fleming and Elizabeth Fleming Infants praying Samuel Fleming of M<sup>o</sup> Carolina be appointed Guardian of their Estates, the Mother of the said Infants and the said Samuel Fleming appearing in Court the former prayed the appointment and the latter accepted the trust.

ORDERED that the said Samuel Fleming be appointed Guardian agreeable to the prayer of the Petition

74

February 21<sup>st</sup> 1804

Admore Comely ) Ordered by consent that this Cause be referred  
V ) to the Arbitration of George Patterson and Sam<sup>l</sup>  
Richard Winn ) Johnson with leave to chuse an Umpire the  
Arbitrators to meet in Winesborough and adjust the Credits  
which the Complainants are entitled to, the Award to be final  
without any Rule to affirm the same and that in case of the  
Death of either of the Arbitrators the parties have leave to  
chuse another.

John Hooker Esq. presented to this Court a petition praying to be admitted to practice as a Solicitor in the several Courts of Equity within this State.

ORDERED that the said John Hooker be admitted and his Name enrolled as a Solicitor of this Court, and he being present that usual Oaths were administered.

Exparte ) A Commission having been issued by order of the  
Mary Rains ) Court directed to certain persons for that purpose  
appointed to enquire of the Idiocy of Martha  
Millet the Sister of the Petitioner Mary Rains and an Inquisition  
having been had and returned

ORDERED that the same be quashed

Wm Richardson et al ) ORDERED that this Cause be referred  
V.  
Burrell Boykin et al )

ADJOURNED TILL TO MORROW MORNING 10 O'CLOCK.

75

FEBRUARY 22<sup>nd</sup> 1804

THE COURT MET ACCORDING TO ADJURNMENT.

Wm Wright ) The Bill and Answer having been read. Ordered  
V.  
McRa & Cantey ) that this Cause do stand over and that the Parties  
have leave to examine their witnesses upon interrogatories in chief. Also ordered that the Complainant have leave to amend his Bill & the Defendants their Answer.

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Comrs of the Treasury)

v.  
Exors Benj. Waile

ORDERED to stand over, to be tried peremptorily at the next Court, or that the Bill be dismissed.

Allen Macaulill et al

v.  
Robert Pabb et al

The Bill and Answer having been read Ordered that the Accounts in this Cause be referred to the Commissioner, that he do report to the next Court, and in whose hands the property of the several Estates are.

Thomas Nelson

v.  
James Rutherford

ON MOTION of M<sup>r</sup> Fgan ORDERED that he have leave to withdraw his plea filed in this case. ORDERED to stand over, also ORDERED by consent of parties that the Examination of Thomas cannot be taken in Chief.

ADJOURNED TILL TO MORROW MORNING 10 O'CLOCK

THURSDAY FEBRUARY 23<sup>d</sup> 1804.

THE COURT MET ACCORDING TO A JOURNMENT

John Hampton ) ON MOTION of M<sup>r</sup> Blanding ORDERED that he  
v.  
Richard Winn et al ) have leave to amend the Complainant Bill so far as it respects Richard Winn

February 23<sup>d</sup> 1804

Eliz Thomas Smith ) Bill and Answer having been read on Motion  
v.  
Wm Whitaker ) of M<sup>r</sup> Blanding ORDERED that the Commission return in this Cause do pass publication.

An objection being taken to the Commission produced in this case by the Defendants counsel on the ground that the oath of the Commissioners contained in the same was returned Blank and not regularly filled up and Certified D<sup>r</sup> Alexander and Thomas Dinkins two of the Commissioners named in the Commission having appeared in Court were permitted to be sworn that they took the said oath previous to their executing the said Commission and the Clerk who took down the deposition of the Witnesses was also sworn to prove that he took the Oaths inserted in the said Commission to be taken by the Clerk previous to his taking down the examination of witnesses.

Joseph Brevard sworn proves the entry in the Sheriffs Books by M<sup>r</sup> Hunter the former Sheriff that there was a Levy made of the Lands and Houses of William Whitaker in the Month of April 1793 on the Execution lodged in the said Office at the Suit of Thomas Smith. Thomas Dinkins sworn saith that he has no recollection of being present at the time of the Sale of the land by the Tax Collector, the land was much worn, it is not very valuable, a Negro of his fathers was actually sold on the same day for Taxes, John Smith acted for the Tax Collector, Money at that time was very scarce in the year 1790 James Whitaker died and left no Will, Willis Whitaker is his eldest Brother. Thomas Whitaker continued in possession of the land and with Willis Whitaker planted it for many Years.

FEBRUARY 23<sup>d</sup> 1804

Col. Cantey sworn, saith, that at present the Value of the land in question is not worth more than £800. At the time it was sold by the Constable it was not worth more than £500 Thomas Whitaker and Willis Whitaker planted together Some of the Negroes were sold under a Portugee from Wm Whitaker to Blanton et al and were bought in by Thomas Whitaker in the year 1790 money was very scarce and property sold very low.

Samuel Martin sworn that he was present at the Sale of a Plantation called Carey's Mill belonging to the Estate of Wm Whitaker sold by John Smith a constable for Taxes that the Sale was for some time advertized at the most public place in the neighbourhood, they were not a great many persons present at the Sale but that there were several bidders for the Land which was purchased by James Whitaker who died in the Fall of the Year 1790, a single man leaving three Sisters and his eldest Brother Willis Whitaker Col. Myers sworn saith that he was a witness to the constables to James Whitaker for the said Land sold by him for Taxes and purchased by him at said Sale.

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77





ALJOURNED TILL TO MORROW MORNING 10 O'CLOCK.

FRIDAY 24.th FEBRUARY 1804.

THE COURT MET ACCORDING TO ADJOURNMENT.

- Exr Tho. Smith ) ORDERED that it be referred to the Commiss-  
V. ) ioner to ascertain the Maltance due on the  
Exor Wm Whitaker ) Bonds on which the Judgements at Law was  
obtained in this Cause.
- Exr Rudolph et al ) ORDERED that the rule of reference made in  
V. ) this Cause be extended.  
Exors Saml Boykin et al)
- Jennings Tucker & Co ) The Bill and answer having been read  
V. ) ORDERED that it be referred to the Com-  
Exor Joseph Mershaw ) missioner to ascertain the sum due on the  
Bond and Motion given in this Cause.

FEBRUARY 24.th 1804.

- John Briggs et ux ) ORDERED that the account in this Cause be  
V. ) referred to the Commissioner By consent.  
Exors Nath. Carey ) Ordered that the Examination of Witnesses be  
taken de bene esse. also ORDERED to stand  
over at the instance of the Defendant.
- Lovick Rockell )  
vs ) ORDERED to stand over.  
James Polmes et al )
- Foster Moore et ux ) ORDERED that it be referred to the Commiss-  
V. ) ioner to take on Account of the Estates of  
William Wright ) John Wright and examine the Accounts of the  
parties in this Cause.

ADJOURNED TILL TO MORROW MORNING 10 O'CLOCK.

SATURDAY February 1804

THE COURT MET ACCORDING TO ADJOURNMENT.

- Exparte ) A Petition was presented to the Court by William  
Wm Lenoir & ) Lenoir and Hope Lenoir stating that by Virtue of  
Hope Lenoir ) their fathers last Will and Testament they were  
entitled to divers real and personal Estate which  
Blanchard be appointed Guardian of their Estates and he appearing  
agreed to accept the trust.  
ORDERED that the said Absolum Blanchard be appointed Guardian  
agreeable to the prayer of the petition.

- Grace Goodwyn et al ) ON MOTION of L.R Hall ORDERED that the  
V. ) Money in the hands of Joseph Brevard Esq.  
Kezia Goodwyn ) the former Commissioner be paid over to  
the Executor of Joss Goodwyn deceased,  
no cause having been shewn to the Contrary.

FEBRUARY 25.th 1804

- Exr R Smith ) This case is put in a simple and facts stated  
V. ) in the Bill are that the complainants testa-  
Exor Wm Whitaker ) tor in May 1765 obtained and entered up a  
Judgment against the Defendants and entered up a  
the two Bonds in the Bills mentioned, issued, executions regular-  
ly and in December 1787 or some short time after a levy was made  
by the Sheriff of Garden District on lands of Testator but no sale  
Sale was effected thereon. The Defendants Answer they were never  
ever proved, but the Defendants stated that their testator in  
February 1789 gave a Bond to Defendant Willis Whitaker of Negroes  
to indemnify them against a Debt for which they were his Co-debtors  
to W. Richardson that their testator died in March 1789 they qual-  
County Court the Household furniture stock &c. on a Credit of  
some Months and in December 1789 the mortgagees sold the Negroes  
Mortgaged the proceeds of which they applied towards paying the  
Debts they were security for that the Taxes due by the Testator

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not being paid the lands in the Bill mentioned were sold in March 1790 under an execution from the Tax Collector for the Taxes, they therefore say they have no assets to discharge the Complainants Debt From the foregoing facts then it is manifest that the Defendants have not pursued the mode prescribed by Law for the payment of Debts and which by their Oaths they were bound to do vizt 1. st Taxes due the State and that too out of the personal assets, Judgements next, that the Debts in Bill mentioned after payment of Taxes has a preferable lien on Testators whole Estate the Wor. age not having been given until February 1789 whereas the Judgement and Execution had their binding efficacy the 1. st in 1785 and the latter in 1787 and have never been satisfied it was insisted for the

FEBRUARY 25.th 1804

Defendant that the first instalment being paid the judgment lost its effect but upon receiving the thirteenth Section of the Instalment Act of 1787 it is declared that no persons could claim the benefit of that Law unless they paid the Taxes then in arrears and which should therefor be incurred within a limited time and it was evident from Defendants own shewing that the Postator was considerably in arrear for Taxes beyond the period fixed by Law therefore could not operate in their favor in the present case Further it did not appear in Evidence that the Executors had ever advertized or called upon the Creditors of their testator to render an account of their Demands as the Law directs which if he had done would have rendered their conduct somewhat excusable such repeated violations of the Law which ought to have been their Guide cannot under the circumstances of this case but be considered by the Court as a devastation or waste of their testators Estate both in Law and Equity which makes them personally responsible to all persons interested therein and none more so than the Complainants for the Debts in question

It is therefore Ordered and Decreed that it be referred to the Commissioner to state settle and adjust what shall appear to be due on the Bonds in the Bill mentioned with the Interest that has accrued thereon allowing all such Sums of Money as have been paid on Account thereof respect being had to the time when such payments were made that in such Settlement the sum which was given by Joseph Mershaw the security for the arrears of Interest due February 1782 be considered as apayment and that the Defendant do pay to the Complainant her Attorney or Agent such sum as should be reported due by the Commissioner together with the Costs of this Suit.

FEBRUARY 25.th 1804

The Commissioner made the following report

In pursuance of an order made on the hearing of this Case I have been attended by the Solicitor for the Complainant and the Solicitor for the Defendant and have in the presence of the Soli- tors so attending me proceeded to calculate the Interest due on the two Bonds upon which the Bill is founded and deduct the payments made and find the Sum of one thousand three hundred and fifty nine pounds nine Shillings and eleven pence to be due thereon for principal and Interest agreeable to a Statement annexed which I submit to the Judgment of the honorable Court.

R. L. Champion Comr

Ordered that Eight pounds twelve Shillings and three pence be deducted from the Amount mentioned in the above report so as to reduce the Sum to the penalty of the Bond being the sum of the thousand three hundred and fifty pounds Seventeen Shillings and eight pence that, of the said Sum Seven hundred and fifty pounds be immediately paid, and the Balance with the Interest on the first day of February next

- Saml Hammond & R ) The Bill and answer having been read, Sherrod  
V. ) Sims sworn saith that he gave the Defendant  
Charles Barber ) gave the Complainant a Bond which he direct-  
ed him to write for Titles to the land, the  
description of which, as the same is inserted in the Bond is as  
follows, beginning forty feet over Millers Spring Branch, the lines  
then extend from Millers Spring Branch, thence by a station to  
Goods Line, thence S. to Millers line, thence S. to Millers  
Branch, the lines were agreed upon between the parties, he was  
present when the lines were pointed out by the Defendant, the Bond



expressed that the lines were agreed to, the Hickory on Hood's line was pointed out by the Defendant as the Corner of the Land which was sold to the Complainant and the Hickory on Kirklands

Line was also pointed out by the Defendant and marked by him as the Complainant's Corner, the two Corners are the same he pointed out to J. R. Millie, the Defendant sold a part of the land contained within the lines, to Peter Swilly for a consideration of three thousand Pounds weight of Tobacco

Adam McMillie sworn explained the resurvey of the land in dispute, to the Court. Ordered that the Complainant have the benefit of the Defendants answer at law, and that the bill be retained till further order.

Jennings Tucker & Co. ) The Bill and answer having been read  
V ) and a paper writing being produced  
Exor of Jos. Marshaw ) and read in evidence by the defendant  
purporting to be an acknowledgment by the said John Jennings one of the co-partners of Jennings Tucker & Co. of the receipt of the titles to the said fifty lots in the Town of Camden mentioned in the answer to the said Bill of Complaint, stating, that the titles had been received by the said Concern as a further Security for the payment of the said Sum of Money in the said Bond and Mortgage mentioned and the Commissioner having reported that there is still due on the said Bond and Mortgage a Balance of Principal and Interest amounting at this day to Three thousand Nine hundred and Six pounds nineteen Shillings and Six pence. The Court are therefore of opinion that the said mortgage be foreclosed and that the fifty lots of land as well as the mortgaged Premises are liable to the satisfaction of the said Debt due to the Complainants.

It is therefore Ordered and Decreed that unless the said Defendant do on or before the first Monday in February next pay and satisfy to the Complainants the said Sum of Three thousand Nine hundred and Six Pounds nineteen Shillings and ten pence and all the interest that may hereafter accrue thereon that then on that day as well the said mortgaged premises as the fifty lots, (or so much thereof as may be sufficient to satisfy the said Debt) be sold by the Commissioner at public Sale for Cash, and that in the mean time the Defendant, under the direction of the Commissioner have leave to expose the same, or any part thereof

the said premises at private Sale and that the Defendant do pay the Costs.

The 43.d Rule of this Court requires that all Decrees shall be signed within eight days after they are made.

ORDERED that the time mentioned in the said Rule be extended to three months in all cases arising on the Circuit out of Charleston

Mary Irvin )  
V ) Partition  
James Irvin et al)

It being suggested by the Petitioners Solicitor that the Defendants Mary Irvin and Catherine Irvin are infants and under the age of fourteen years and James Brown appearing in Court and accepting to become their Guardian. It is Ordered that the said Thomas Brown be admitted Guardian for them for the purpose of defending this suit.

And it being suggested that the other defendants Margaret Irvin James Irvin and Catherine Irvin are infants and appearing personally in Court and praying that Thomas Whitaker may be appointed their guardian. It is therefore Ordered that the said Thomas Whitaker be appointed their Guardian to defend this suit. And therefore the Petition being read, by consent of the said Plaintiff Solicitor for the Petitioners, and of the said Defendants, it is ordered that a Bill of Partition do issue directed to the said James Brown and James Jones James Brown and Austin P. Leary according to the prayer of the said petition.

DECEMBER 4. th 1804

[ Blank ]

At a Court of Equity in and for the United Districts of Lancaster, Hershaw, Sumter, Richland and Fairfield begun and holden at Hershaw Court house this fourth day of December in the year of our Lord one thousand eight hundred and four and Twenty Ninth of American Independence.

Present

The honorable William Marshall and Hugh Rutledge Esquires and associate Judges of the Court of Equity of this State.

Compt.s of the Treasury )  
V ) Bill dismissed  
Exor Benj. Haile )  
William Wright )  
V ) The Bill and Answer having been read  
McRa & Cantey )

Lewis Dinkins sworn, saith, that he was a Witness to the bill of sale from William Dinkins to William Wright, he saw it executed. In March 1792 he was, present with Wm Dinkins and Wm Wright, they were conversing together and thought it right to make over to the Compt.s, in trust for his Children, the Eleven Negroes mentioned in the bill of Sale. They were delivered to him, in trust, for the following persons, Asa, Samuel and Sarah Dinkins Children of William Dinkins by his first wife. This deponent asked W. Dinkins if he was in Debt, he said he owed £150 or £200. The Compt.s took all the Negroes except three which were left for the support of Samuel Dinkins, Asa had his part delivered to him and kept them, This transaction happened at the house of William Dinkins. He had Nine other Negroes.

X He lived in Camden, William Dinkins lived Twenty-five miles from his house. The Children were present and heard the conversation respecting the Trust.

John Dinkins sworn, saith, that he was a Witness to the deed of Gift to Asa Dinkins by Wm Wright; he heard Wm Dinkins declare, that he had promised his life on her death bed, that he would make over the property he obtained with her to her Children, and that he meant to do so. He understood that he afterwards did so. He knew several of the Negroes; he had a house and lot in Statesburg; he had a tract of land below and several other Negroes beside those mentioned in the

DECEMBER 4. th 1804

Bill of Sale, also a Negro, Cattle, and Plantation tools. Compt went to Captain Davis and asked from him a Statement of the Execution against William Dinkins, on which two Negroes were to be sold, he wished to pay it, he did not receive the money, that this deponent afterwards tendered the Sheriff the money, he would not receive it, the Negroes were sold, the Compt forbade the Sale. This deponent left Statesburg in May 1793, he procured the Execution of a Bill of Sale from William Dinkins to P. Brown of two Negroes (Peter and Dave) dated the 30. th April 1792, he heard that Wm Bracey had a considerable demand against W. Dinkins he brought some Goods shortly after the Execution of the Bill of Sale. The tract of land he owned was valuable. In 1793 they planted Captain Dubose's plantation together. William Dinkins exchanged the house and lot in Statesburg for a tract of land.

A number of Judgements were produced against William Dinkins some of which were proven to have been paid and some only part paid

J. P. Cuignard & Co had a Bond and mortgage of three Negroes from William Dinkins previous to the Bill of Sale, they were sold them as a Balance due. ----- This deponent sold the tract of land formerly owned by William Dinkins say 200 acres at 10 sh per acre Five Negroes and a Tract of land was given by Wm Dinkins to pay the Debt due to J. P. Cuignard & Co

J. P. Cuignard & Co. V. Wm Dinkins Bond dated 17 feby 1790 £162. Judgement entered up in Nov. 1803

Four Negroes mortgaged to secure payment Nathl. Alexander V. Wm Dinkins \$57.02

11: 16. issued 6. th february 1794

John Horan proves, that the above Debt was contracted on the 20. th May 1790- William Dinkins also contracted another debt of £2. with Nath. Alexander about a year after.





John Moran V. Wm Dinkins Note in 1788 £15 Paid  
 John Moran V. Wm Dinkins Note in 1788 £ 5.4/ under Levy  
 John Anderson V. Wm Dinkins Note in 1790 £ 20  
 This Deponents Debt is paid  
 Isaac Dubose V. Wm Dinkins Debt in 1793 £ 74.14  
 a Credit of 16.14  
 Balance £ 58.04  
 McRa & Cantey V. Wm Dinkins-Debt in 1792 £ 14.11. 8  
 Ely Freeman V. A. & W. Dinkins Debt in Jan'y 1792 \$407.12  
 Receipt produced in full

## DECEMBER 4.th 1804

M. Dubose sworn, saith that in 1796, he applied to W. Dinkins to hire a Negroe, who told this deponent, he was afraid the Sheriff would execute him while in his possession, which this deponent promised to prevent. He had him a few days.  
 Ely Freeman sworn, saith, he knew all the Negroes mentioned in the bill of Sale. He was present when W. Dinkins married his second wife; the bill of Sale was executed Shortly after; all the Negroes remained in his possession, Dave he sold to D Brown, Asa Dinkins had possession of Will, Isham, and Lewis. Ben, Bob and Jim, continued in W. Dinkins possession. Cloe was with the Comp.t he did not believe at that time that William Dinkins was in Debt to agreat amount. He owed this deponent in 1793. All the Negroes worked on Captain Dubose's plantation-it was generally supposed the Negroes were William Dinkins's; the Bill of Sale was not much known. M. Bracy had a Bill of Sale of Ben from W. Dinkins, who owed to M. Bracey. Ben was also mortgaged to M. R. Guignard. Another Negroe (Peter) was sold to M. Brown, at the same time with Dave. Neither of Asa Dinkins' Negroes worked in the Crop of 1793, nor, of Sarahs proportion. M. Wright had Sarahs proportion of the Negroes.  
 M. McDonald sworn, saith, he knows the Land stated in the Bill, given by W. Dinkins to W. Wright, the Comp.t told him he would make him a good Title; he did not think it worth much more than £35 or £40.  
 Spencer Wilder sworn, saith he purchased from W. Dinkins 200 Acres of Land, lying below Stateburg. he kept it until it was sold as mortgaged property by the public (he purchased in 1789.) there were more Lands sold by him /for/ that Land he gave a horse valued at £40. he bought two hundred Acres M. Anderson also purchased of him and his Land was likewise sold by the Public. M. Taylor also purchased of W. Dinkins which purchase was also sold by the Public. M. Anderson repurchased at the Sale at Sumter and another Tract which was sold at the same time, which was included in the mortgage to the Public.  
 Reuben Arthur sworn, saith that the Negroes Bob & Ben were taken in Execution on M. Moores Judgement against W. Dinkins; he had a Statement of Captain Dubose's Judgement  
 Adjourned untill to morrow morning at 10 Clock.

## DECEMBER 5.th 1804

The Court met according to Adjournment  
 Wm & Hope Lenoir ) Bill of Complaint being read- On motion  
 v ) of M. Mathis. Ordered that Richard R.  
 Tho. Somersall et al.) Gray, William Whitaker and Henry Hunter,  
 hereof the Defendants, who reside with-  
 out the limits of this State, and who cannot be found within the  
 same, to be served with the process of this Court, do appear before  
 the said Court on the Sixth day of December, One thousand eight  
 hundred and Five, and plead, answer, or demur to the said Bill filed  
 by the Complainants in this Cause or that the Bill will be taken  
 pro Confesso and the Court will decree thereon accordingly.  
 William Wright ) Ely Freeman further saith, Asa Dinkins lived  
 v ) with his father after the Execution of the  
 McRa & Cantey ) Bill of Sale. All the Negroes except Cloe lived  
 together. When Asa left his fathers, he carried  
 away his proportion of the Negroes. He shows Glasgow, in the Bill  
 of Sale mentioned he was sold to M. Floy.  
 The Court did not meet on account of Judge Marshall's indisposition  
 THURSDAY 7.th DECEMBER 1804  
 William Wright ) The publication of the Decree in this case  
 v ) was postponed untill Feb'y next  
 McRa & Cantey )

Mary Irvine )  
 v ) Partition  
 James Irvine et al.) The Commissioners appointed in this  
 Case, having made their return,  
 Stating, that in their opinion the  
 Estate cannot be fairly and equally  
 divided without manifest injury to  
 the whole Estate be sold at Public Auction. It is therefore order-  
 ed that the said Estate be sold at Public Auction under direction  
 of the Commissioner, giving one years Credit on the Real Estate  
 and selling the Personal for Cash and that the monies arising  
 from the said Sale be paid over unto the said parties or their  
 Guardians on their giving Security to the Commissioner to refund  
 in case of any Debt appearing against the Estate.

## DECEMBER 7.th 1804

Admor. Tho. Brown ) By consent of the parties. ORDERED that the  
 v ) Witnesses in this Cause be examined, de bene  
 Exors Sam Boykin ) esse, either before the Commissioner or by  
 Commission.  
 Zeb. Rudolph et al ) On motion of M. Mathis, the Court ordered  
 v ) the Rule of reference in this Cause to be  
 Exor Sam Boykin et al ) extended.  
 Tho. Nelson ) On motion of M. Blanding and by consent  
 v ) of M. R. Hooker, the Court Ordered that  
 James Rutherford et ) Joshua Durham a Witness in this Cause be  
 Exors of Lunsford ) examined in Chief before the Commissioner  
 and also ordered that the Accounts in  
 this Cause be referred to the Commissioner.  
 Philip Rayford ) The Petition and Answer having been read  
 v ) an the Counsel for the Parties heard the  
 Exls & Exors D Brown ) Court Ordered the Petition to be dismissed  
 with Costs.  
 Admors Compt ) On Motion of M. Mathis the Court Ordered  
 v ) the Account in this Cause to be referred to  
 Richard Winn ) the Commissioner.  
 Lovick Reckell ) On motion of M. Madan and on an Affidavit  
 v ) made that Tabitha Watts a Witness in this  
 Jas Holmes et alia ) Cause is very old and infirm the Court  
 Ordered that a Commission do issue to ex-  
 amine the said Tabitha Watts.  
 Admor T. Broom ) The Commissioner made the following  
 v ) Bill Report  
 McRa Cantey & C.o ) In pursuance of the order of  
 reference made in these Cases, on the  
 McRa Cantey & C.o ) Cross day of Febr'y last, I have  
 v ) Bill been attended by the said parties and  
 Admor. T. Broom ) in their presence have proceeded to  
 make the report ordered in these Cases  
 and do find and Report.  
 1. st That upon an Investigation of the Books of the Concern of  
 Thomas Broom & C.o; and statement of all the accounts of the said  
 Concern, up to the twentieth day of October, in the year of our  
 Lord One thousand Eight hundred, it appears there was a balance of  
 Profits, in favor of the Concern of Eleven hundred and three  
 Pounds, Three  
 Shillings and five Pence; which balance was vested in Debts due  
 to the Concern, as appears in two Exhibits herunto annexed marked  
 B. No 1 and B. No 2.  
 2. nd That on the said twentieth day of October, the said Thomas  
 Broom was intitled to a balance of Credits, in the Books of the  
 Concern of Thomas Broom and C.o, of Eighty eight Pounds eighteen  
 Shillings and ten Pence, including of Interest to the first day  
 of January One thousand Eight hundred, as appears by two Exhibits  
 herunto annexed marked A. No 1 & A. No 2  
 3. rd That on the same day the Concern of McRa, Cantey and Company  
 composed of Duncan, Mac, Maccharian Cantey and Robert Henry were  
 entitled to a Credit on the Books of Thomas Broom and Company of  
 Five hundred and Sixty-one Pounds, two Shillings and four Pence,  
 being the balance of their Account as that day stated, including  
 Interest to the first day of January then past, as appears in the  
 Exhibits D. No 1 & D. No 2



4.th That on the same day Zachariah Cantey stood indebted to the said Concern for the balance of his account with the said Concern, including interest to the first day of January then last past, in the sum of One hundred and Nine Pounds seven shillings and two pence.

5.th That on the same day Duncan McRa stood indebted to the said Concern for the balance of his accounts including interest to the first day of January /then/last past in the sum of eight Pounds Nineteen shillings.

6.th That on the same day the Concern of Cantey Broom and Company stood indebted to the Concern of Thomas Broom and Company for the balance of their accounts with the said last Concern including interest to the first day of January in the year of our Lord One thousand eight hundred in the sum of Eleven hundred and Forty six Pounds Eight shillings and Eight pence.

7.th That upon an investigation of the Books of the Concern of Cantey Broom and Company and a Statement of all the accounts of the said Concern, brought up to the Twentieth day of October in the year of our Lord One thousand Eight hundred, it appears that on that day there was a balance of profits, consisting of Debts from the Concern of Three thousand and Eighty-seven pounds, two shillings and seven pence, as is exhibited in the Accounts marked K No 1 and K No 2.

8.th That on the same day Thomas Broom stood indebted to the Concern of Cantey Broom and Company for the balance of his accounts on that day including interest to the first day of January then past in the sum of One thousand Eight hundred and Nineteen Pounds seven shillings and four pence as is stated in the accounts marked G No 1 and G No 2.

9.th That on the same day McRa Cantey and Company were entitled to Credit in the Books of the Concern of Cantey Broom and Company, being the balance of their accounts with the said Concern including interest to the first day of January then last past to the sum of Two thousand Nine hundred and Two Pounds nine shillings and ten pence as is stated in the account herewith filed marked H.

10.th That on the same day the Concern of McRa and Cantey composed of the said Duncan McRa and Zachariah Cantey were entitled to Credits in the Books of the said Concern, being the balance of their accounts including interest to the first day of January then last past to the sum of One thousand Six hundred and Nineteen Pounds Four shillings and one penny as is stated in the accounts herewith filed marked P No 1 and P No 2.

11.th That on the same day Zachariah Cantey stood indebted to the said Company, on the balance of his private account with the Concern, of interest to the first day of January then last past, in the sum of One thousand Five hundred and Forty seven Pounds and Seven Pence as appears in the account herewith filed marked N o 5.

12.th That on the same day the said Duncan McRa stood indebted to the said Concern being the balance of his private account with the Concern including the interest to the first day of January then last past in the sum of Eight hundred and Seventy four Pounds Ten shillings and five pence as is exhibited in the account herewith filed marked N o 4.

13.th That on the same day the said Robert Henry stood indebted to the Concern being the balance of his account including interest from the first day of January then last past in the

sum of Nine hundred and forty Pounds Six shillings and four pence as is stated in the account N o 6.

14.th The Commissioner begs to refer the Court to four Accounts accompanying this report marked P, R, L and M which exhibits a general view of the statements of the Debts and Credits of each of the said parties as is above stated.

15.th The Commissioner further reports, that he has examined the Books of the Concern of Cantey Broom and Company and finds that of the goods sold by the said Concern to the said Thomas Broom for which he gave his Bond to the said Robert Henry; a part thereof had been sold before the same were received by the said Thomas, and that the goods so sold amounted at Costs and fifty Per Cent advance to the sum of Fifty six Pounds Six shillings and six pence, which sum according to the agreement entered into by the said Duncan McRa and Zachariah Cantey with the said Thomas Broom ought to be written off the said Bond as of the day on which the said Bond was given.

16.th The Commissioner further reports that there has been a considerable number of accounts against divers persons transferred to and from different Concerns as stated in the said bill of Complaint, and recommends where any of the said accounts prove bad which they have originally been transferred.

17.th The Commissioner further reports that there are a considerable number of Debts due the said Concerns of Thomas Broom and Company and Cantey Broom and Company still outstanding and constitute the balance and profit ~~due~~ in favour of the said said Concerns. That it hath been suggested by the parties concerned that many of the Debts are bad. The Commissioner takes the liberty of recommending that a division of the said Debts be made and allotted to the said Parties according to their several and respective interests in the said Concerns.

December 2.nd 1803

R. L. Champion Comr

To the above Report the following exceptions were made which on reargument before the Commissioner were overruled or sustained as in the margin.

Exceptions by Duncan McRa, Zachariah Cantey and Robert

Henry. 1.st That in the account of McRa Cantey and Company in the Concern of Thomas Broom and Company the said McRa, Cantey & Co are charged with the sum of Thirty nine Pounds Nineteen Shillings and one penny including interest, for the Board of Reuben Arthur while acting as Clerk to the said Concern of Tho. Broom & Co as appears in the account accompanying the said Report marked D No 2. Now, they except against the said Report because they say, that by the Copartnership agreement the said Concern was to have defrayed the necessary expenses of carrying on the business of the said Concern and that the said Concern of McRa Cantey & Co were not liable to the expenses of the Clerks employed in the said business and that the same ought to have been defrayed by the Concern by whom they were employed.

2.nd That in the account of McRa Cantey & Co with the Concern of Cantey Broom & Co there is a charge of One hundred and five Pounds, four shillings and Eight Pence for Store Rent which was incurred by the Concern of Cantey Broom & Co as appears in the Account marked H and they except to the said Charge because they say that the expenses of the said Concern ought to have been defrayed by the said Concern of Cantey Broom & Co and not by the Concern of McRa Cantey & Co.

3.rd That in the account of Thomas Broom with Tho.s Broom & Co the Commissioner rejected sundry charges made against Thomas Broom for private accounts of divers persons against the said Thomas Broom which were settled by the said Concern in his lifetime amounting to Seventy-four Pounds one shilling and four pence as in account A No 2 whereas they say that the entries having been made in the lifetime of Thomas Broom and while he had access to the Books and by the Clerks of the said Concern ought not now be rejected but are to be presumed to have been settled by Mr Broom concurrence.

The exceptions of Reuben Rudolph to the report of the Commissioner 1.st Because the profits as stated by an allowance of interest the Credits of McRa Cantey & Co of Three hundred and Seventy-two pounds Thirteen shillings and six pence for supplies of Cash, and transfers charged by

then calculating the interest from the commencement of the month succeeding the month in which the supplies and transfers were made and on supplies of goods from the commencement of the year after such supplies, say the first day of January.

2.nd Because upon the same principal there has been an omission of a charge of interest to McRa, Cantey & Co Sustained on the Sales of Flour and other produce in Charleston applied to their immediate use of

3.rd For seven months rent of the Mill of Thomas Broom kept in repair at his own expence estimated at One thou-







and Dollars P. Ann. is One hundred and Ninety four Pounds Eight Shillings and ten pence to which he is sustained titled to on the plan of reciprocity, the profits when the accounts are adjusted will be

as per statement marked E.N.O.1

overuled 4.th And more by an increase of Interest in calculating the Credits applied to McRa and Cantey as P. exhibit D. 5.th To the Sixth article of the report he excepts because the stock of goods remaining on hand at the close of the Concern of Thomas Broom & C.o should have been passed to the individual Credit of Thomas Broom instead of Thomas Broom and C.o, the amount being Eight hundred and Seventy four Pounds Ten shillings and seven pence should bring and Interest to the Credit of Thomas Broom on the same principle of the charges admitted by the Commissioner as made by McRa Cantey & C.o on the Stock put in by them commencing the first of January, One thousand Seven hundred and Ninety-seven.

overuled 6.th He excepts generally to the Statements of the different Copartnership accounts as stated as also to the Accounts of each individual composing the said Copartnerships, because the Commissioner has admitted Interest on all, but more especially because compound Interest has been allowed in all the Statements.

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Sustained 7.th Because the omission of Interest to the Debit of McRa Cantey & C.o has been omitted although particularly pointed out by the Commissioner at the time of investigation of the Sales in Charleston of produce for both Concerns from the time of the Sales or the first day of the month after to the time of the entry in the Books of Cantey Broom & C.o and Thomas Broom and C.o all which are respectfully submitted

By the first exception to the said Report made on the on the part of the said Duncan McRa, Zachariah Cantey and Robert Henry it appears that McRa Cantey & C.o are charged in the Books of Thomas Broom & C.o with the sum of Thirty nine Pounds Nineteen shillings and one penny including Interest for the Board of the Clerk employed by Thomas Broom & C.o to which charge the said Duncan, Zachariah and Robert except, because by the said Copartnership agreement, the expenses necessary for carrying on the business of the said Concern of Thomas Broom & C.o were to have been defrayed by that Concern.

The Copartnership agreement being read it was Ordered upon argument being heard that the said exception be sustained.

By the second exception to the said Report on the part of the said Duncan, Zachariah and Robert, it appears that McRa Cantey & C.o are charged with the sum of One hundred and Five pounds Five shillings and four pence for Store Rent incurred by Cantey Broom & C.o To which charge they except because they say the same was a necessary expense incurred by Cantey Broom & C.o and ought to be charged to that Concern. Upon hearing the answer of the Defendants to the original Bill wherein it is stated that all expenses of Cantey Broom & C.o were by the Copartnership agreement to be defrayed by that Concern. It is Ordered that the said exception be sustained.

By the third exception taken to the said Report on the part of the said Duncan, Zachariah and Robert, it appears that sundry charges amounting in the whole to the sum of Seventy four Pounds One shilling and four pence made in the Books of Thomas Broom & C.o against Thomas Broom for private accounts of sundry persons against him which had been settled by the said Concern in his lifetime and while

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he had access to the Books had been rejected to which the said said exception be sustained, because the said entries having been made in the lifetime of the said Thomas Broom, are presumed to have been made by his concurrence.

By the exception first, taken by Rebulon Rudolph to the said Report, it appears that Interest has been allowed on all the accounts of the individuals composing the said Copartnerships for supplies furnished by them, calculating the same on each supply

from the commencement of the month and on supplies of Goods from the commencement of the year after such supplies were made, to which charges the said Rebulon Rudolph excepts. Upon argument it is ordered that the said exception be overuled. 1.st Because in a Copartnership when the several Copartners have equal shares of the profits and advance unequal Capitals the principles of reciprocity require, that the Interest should be allowed. 2.nd because the Defendants answer to the original Bill is conclusive, it being then alleged that by the Copartnership agreement such Interest was to have been allowed.

By the second exception taken to the said Report by the said Rebulon, it appears that Interest has been allowed on the transfers made to and from the several Books of the Concerns stated in the Bill to which the said Rebulon excepts. Upon examining the accounts it appears that on all transfers liquidated by Notes or Bonds bearing Interest or Cash received, Interest has been allowed, on Cash so received from the commencement of the Month after its receipt, and on Notes so taken from the time the said Notes bear Interest. It is therefore ORDERED that the said Exception be overuled.

By the third exception taken by the said Rebulon to the said Reports, it appears, that there has been an omission of a Charge of Interest to the said Duncan, Zachariah and Robert, on the Sales of Produce in Charleston, from the time of the Receipt of the proceeds of such Sales by the said Robert Henry in Charleston, to the time of the receipt of the amount of Sales by the Copartners in Camden, to which the said Rebulon excepts. Upon argument it is ORDERED that the said Exception be sustained and that Interest be allowed on all such Sales from the

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commencement of the month after the receipt of the proceeds of the said Sales in Charleston, and that on all Cash supplies furnished by McRa Cantey & C.o Interest be allowed from the Commencement of the month after such supplies were furnished in Charleston.

By the fourth exception, it appears, that the said Thomas Broom in account with Thomas Broom & C.o is not credited for the Rent of his Mill during the time the said Mill was used by the said Concern, to which the said Rebulon excepts. It is ordered that the said exception be allowed 1.st Because the Copartnership articles and the Defendants answer being silent on that subject, the Court are bound to consider the Mill Rent as a necessary expense of the Concern which by the Copartnership agreement was to be defrayed by the Concern. 2.nd Because as the other Copartners were allowed Interest on their Capitals it is but right and equitable that Rent should be allowed to Mr Broom for his Mill and it is further Ordered that the Commission do ascertain the amount of the Rent and allow the same.

By the fifth exception of the said Rebulon it is stated that the account of McRa, Cantey & C.o with Cantey Broom & C.o compound interest has been allowed. Upon examining the said accounts, it appears, that all payments made have in the first place been applied to the extinguishment of the interest which is an allowance of simple Interest only but it is Ordered, that in case any of the said Copartnership accounts, have been stated by an allowance of Compound Interest, that, the same be rejected.

By the sixth exception of the said Rebulon it appears that the remaining stock of Goods of the Firm of Tho. Broom & C.o on the dissolution of that Concern, had been passed to the Credit of the Concern in the Books of Cantey Broom & C.o to which the said Rebulon excepts, because by the Copartnership agreement the said Thomas Broom was to have taken the said remaining Stock at Costs and charges, but it appearing from the Bills and Answers that the said Concern of Thomas Broom & C.o had continued, six or seven months beyond the time originally limited for its duration, during which time large supplies had been furnished by the said Duncan Zachariah and Robert, and that the remaining stock was not all composed of the supplies furnished by the said Thomas Broom, as was contemplated by the original Copartnership agreement, and that the said Entry had been made while

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the said Thomas Broom had access to the Books and must be presumed to have been done with his consent. It is therefore ORDERED



that the said exception be overruled.

And it is further ordered that the report in these Cases made be in all things confirmed, except such parts thereof as are above excepted to and the said exceptions sustained.

Upon these Cases coming to be heard upon the Bill Cross Bill and Answer the said Zebulon Rudolph insisted upon his right to produce evidence to prove that the said Robert Henry in Letters to sundry persons in Camden had declared that he did not consider himself as a partner in the Concern of Cantey Broom & C.o but, the Court overruled the admission of such testimony 1st Because in the Original Bill and in the answer to the Cross Bill the said Zebulon Rudolph states the said Robert Henry to be a Partner, and that he cannot be suffered to aver contrary to his own allegations. 2nd Because the said Robert Henry's answer to the Original Bill which requires a discovery is conclusive on that point and the said Complaint is bound by the discovery made.

The following points were then submitted to the Court.

1st As to what share if any of the profits of the manufacturing of flour, carried on during the first Seasons grinding, after the erection of the said Mill, the said Duncan, Zachariah and Robert are entitled.

2nd As to what share of the profits of the Concern of Cantey Broom & C.o the said parties are entitled respectively.

On the first point the original Bill of the said Zebulon states that the said Thomas Broom in his lifetime had declared to the said Zebulon Rudolph that he was to have had the exclusive Profits of the said Mill during that years grinding but as no written agreement had been entered into on that subject and as the said Zebulon Rudolph was himself ignorant of the terms on which the manufacturing business had been carried on during that seasons grinding the Bill required a discovery on that subject. The answers to that Bill makes the discovery required, and states, that by the agreement, entered into for extending the duration of the concern of Thomas Broom & C.o it was expressly agreed that the manufacturing business should be carried on by that Concern and that the said Thomas Broom should be entitled to the one half and the said Duncan, Zachariah and

Robert the other half of the profits arising therefrom. This discovery is conclusive as to this point, and it is ORDERED that the said Duncan, Zachariah and Robert be allowed one half and the said Administrator, as aforesaid, the other half of the said Profits.

On the second point the original Bill of the said Zeb. Rudolph states, that the Complainant therein is wholly ignorant as to what share of the profits of the Concern of Cantey Broom & C.o the several Partners were respectively entitled and prays a discovery from the Defendants on that subject. The Defendants in making that discovery by their answer allege, that by the Copartnership agreement, entered into verbally between them and the said Thomas Broom, on the formation of that Concern, each of the said Copartners were to have one fourth of the profits and were to bear one fourth of the losses of that Concern. The Complainant is bound by this discovery. It is therefore Ordered and declared that the said Zebulon Rudolph as Administrator aforesaid, be allowed one fourth part, the said Duncan one fourth part, the said Zachariah one other fourth part and the said Robert one other fourth part of the profits, of the Concern of Cantey Broom & C.o

By mutual consent of the said parties it is also Ordered that the Injunction be dissolved and that the said Robert Henry be at liberty to proceed on his Judgment at Law for the amount of the Condition of the Bond with Interest and Costs after deducting therefrom the Sum of Fifty-six Pounds, six shillings and Six pence with Interest therefrom, from the time the Bond bears Interest.

And it is further Ordered that the Commissioner do immediately proceed to correct his Report according to the determinations of this Court on the exceptions thereto and take an account of the monies received by the several partners, since the Statement of the accounts has been reported on, and to strike the Balance due by the said Zebulon Rudolph as Administrator a-

for said to the said Duncan, Zachariah and Robert and that he do pay them the Balance so found, with Interest thereon from the present time on or before the first day of January which will be in the year of our Lord One thousand eight hundred and Six. And it is further Ordered that the Commissioner do proceed to divide the Debts due the said Concerns of Tho.s

Broom & C.o and Cantey Broom & C.o, into parts proportionate to the Interests of the several Copartners, and, that the said Copartners or their Agents, take such share or part of the said outstanding Debts as may be by them drawn.

FEBRUARY 18th 1805

At a meeting of the Court of Equity, in and for the United Districts of Lancaster Kershaw Sauter Highland and Fairfield at Kershaw Court house on Monday the eighteenth day of February in the year of our Lord One thousand eight hundred and five and in the Twenty Ninth year of the Sovereignty and Independence of the United States of America.

Present. The Honorable William Marshall and William James Esquires, Judges of the said Court.  
Amir James A Watson } Blanding

Xors Jonathan Belton } Mathis  
The Bill and Answer having been read. Ordered that all matters of account be referred to the Commissioner and that he do make his report thereon, during the sitting of the present Court if possible to procure the necessary papers and that all original papers alluded to in the Defendants answer, be delivered up to the Commissioner and that the Complainant have access thereto at all times.

Mr William Ellison presented his Petition to the Court praying to be admitted to practice as a Solicitor of this Court. The Court appointed Major Falcouer W Egan and Mr Mathis to examine him.

Ordered that his Petition be granted and that his name be enrolled as one of the Solicitors of this Court.  
John Combe and others

Trustees of the Prime Methodists } On motion of Mr Egan  
VS  
Wm Brazin & Phil. Mathews } ORDERED that the Defendant William Brazin, have untill the first of April next to put in his answer.

ADJOURNED TILL TO MORROW MORNING AT 10 O'CLOCK.

FEBRUARY 19th 1805

Allen Majayill et al. } On motion of Mr Mathis  
V  
James Robt Fabb & an.o } Ordered that the Commission returned in this case do pass publication.  
The Bill and Answer having been read. Part of the exceptions of the Complainants to the report of the Commissioner were then argued.

ADJOURNED TILL 10 O'CLOCK TOMORROW MORNING

20th FEBRUARY 1805

THE COURT MET ACCORDING TO ADJOURNMENT  
Allen Majayill et al. } The continuation of the  
V  
Jas. & Robt Rabb & an.o } of the Commissioners report as far as it related to the Complainants exceptions was argued and the arguments concluded. The decision on the arguments was postponed till tomorrow. The exceptions made by the Defendant were then argued.

Wm Richardson et al. } On Special cause shown. The Court  
V  
Burwell Boykin et al } Ordered this cause to be placed at the head of the Docket. On motion of W. Blanding. ORDERED that a Commission do issue to examine William Jayrart, and that the Defendants do forthwith join their cross interrogatories

Administrators Comptoy Egan } The Bill and Answer having been read.  
V  
Richard Winn } Mathis







Thomas H. Egan was sworn, he saith, that on the trial of the said Facias at Law on this Cause in a conversation he had with General Winn he told him that there was a mistake in the sum mentioned to have been recovered in the Original Judgement. Gen. l Winn denied it but said that if he would suffer the matter to remain until he could procure the Bond or a Copy or until he could satisfy himself on the subject he would then give Major Compy every equitable Credit, all the discounts claimed by the Complainants were before them but no particular ones were argued by the Defendant.

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FEBRUARY 20.th 1805

Thomas Nelson } The Bill and answer having been read. Sundry  
v } written testimony was produced and Counsel  
James Rutherford) heard on behalf of the Complainant. The  
Court postponed hearing Counsel for the Defendant till to morrow.

Adjourned till to morrow morning at 10 O'clock

21.st February 1805

The Court met according to Adjournment.

The Commissioner made the following Report. Viz.

That in compliance to an order made by this Honorable Court, on the Seventh day of December one thousand eight hundred and three directing John Taylor and Keating Simons Esqrs the Trustees appointed to take the management of the Estate of James Taylor a Lunatic to sell at Public Auction the Real Estate of the said James Taylor except certain Real and Personal Estate which is specified in the report of the Commissioner and the order of the Court thereon

Reports

That in pursuance of the said order he has with the concurrence and advice of John Taylor Esq. one of the aforesaid Trustees caused the following Real Estate belonging to the said James Taylor to be advertised and exposed at Public Sale before the Court house at Columbia on the twelfth day of December last past that is to say all that Plantation lying on the east side of the Congaree River containing four hundred and seventy Acres known by the name of James Taylors lower Plantation. Also all that Plantation lying on the east side of Savannah River containing three hundred Acres most River Swamp lying on the Crackers Neck, on the said River also Two Lots in the Town of Columbia. That the aforesaid property was sold on the Conditions of one third Cash; one third payable in January one thousand eight hundred and six; and the remaining third payable in January one thousand eight hundred and seven with Interest from the date and a Mortgage on the premises to secure

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the payment.

The Commissioner further reports that the Real Estate above mentioned was sold agreeable to the terms of Sale for the sum of Two thousand eight hundred and fifty four Pounds fourteen shillings and eight pence the whole of the Cash payment remaining in the hands of the said Trustee

R. L. Champion Comr  
19.th february 1805

Ordered that the above Report be received and recorded

Jennings Tucker & C.o }  
v } Bill for foreclosure of Mortgage  
Esqr Jos. Marshaw }  
The Commissioner of this Court  
Reports

That in pursuance of an order made in this Cause by this Honorable Court, on the Twenty fifth day of February, in the year of our Lord one thousand eight hundred and four, the Defendant under the direction of the Commissioner, caused to be advertised at Private Sale, as will the Mortgaged premises in the Bill mentioned, as the fifty lots stated in the answer of the Defendant, but having received no offer for the purchase of any part of the said property, after duly advertising the same, proceeded on the first Monday in February Instant, to sell the same at

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at Public Auction for Cash.

The Commissioner further reports, that, as well the said Mortgaged Premises, as the aforesaid fifty Lots, were sold, agreeable to the terms directed by the said order, and after having deducted from the proceeds of the said Sale, the Costs & charges, leaves a Balance of the Nett Proceeds, in the hands of the Complainants Solicitor and Commissioner, of one thousand eight hundred and fifteen Dollars, and eighty six Cents

Feb'y 20.th 1805

R. L. Champion Comr

Ordered that the above report be received & recorded

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Mayall & others } Exceptions on the part of the Compls to the  
v } report of the Commissioner  
Rabb & others } 1.st Upon this exception the Court are of opinion that the same be sustained, because, it

appears by the evidence of James Craig, produced on the part of the Defendants, that Thomas Maple the Administrator of John Maple told him, after he had made him Titles in his own name, to the Beaver Dam Tract of Land, that he had like to have lost the said land, for which he had purchased (his brother John) a Warrant, by the intervention of other persons, but, that he had purchased it, and paid for it a Horse, worth about Sixty Pounds Old Currency, and took the Titles in his own name from Jacob Seizer Junr and that the said James Craig, purchased the said Tract of Land from Thomas Maple, for Twelve hundred pounds Currency, or the value thereof in Negroes; and that afterwards three Negroes, Jack, Phillis and Rose were taken by Thomas Maple, in payment of the said Tract of Land. The evidence in this respect is also supported by that of Isaac Young, whose testimony tho in other respects impeached, is in this instance similar to that of Mr Craig, and corroborated by the same, and although the Court are of opinion that the purchase of the Warrant on the part of John Maple, is far from vesting in him, either a Legal or Equitable Title when considered as to other persons, who might have lapsed the said Warrant, under the existing Laws of the State, that yet, as between himself and Seizer, and his brother as Administrator for his heirs, the Court are of opinion, as fully carried into effect, by Thomas Maples receiving the Title in his own name. Therefore, as the Horse worth only Sixty pounds Currency, paid to Jacob Seizer the Younger, was a price entirely disproportionate to the Land, at this length of time, the Court will think themselves warranted in presuming, either, that the Horse was paid to make up the balance which was left unpaid by John Maple, in his lifetime for the said Land, or, that they are somewhat unwilling to presume, that Thomas Maple, in purchasing the Land at such an undervalue, and again selling it

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at a good price, in his own name, meant to defraud the heirs of his brother John. In either case the Court think themselves bound to decree that the Negroes received by Thomas Maple in his lifetime, for the lands sold to James Craig, to belong to the Estate of John Maple together with their increase and wages, and that the Sixty pounds Currency, which he paid for the Land with Interest, be decreed to the representation of Thomas Maple.

The Court are also of opinion, that the second exception be sustained, because, it appears by the Bill which is admitted by the Answer, that John Maple died sometime in the year one thousand seven hundred and seventy six, that the first Note is dated on the second day of June one thousand seven hundred and Sixty eight, and made payable on the first day of January One thousand seven hundred and sixty three, and the second Note is dated on the first day of April One thousand seven hundred and sixty nine and made payable twelve months after date, between which two several times of payments, and the first of January one thousand seven hundred and seventy six (admitting the said John Maple to have died on the first day of the year) a period of more than four years had elapsed, during which time it does not appear that the said Thomas Maple took a single step, to prevent the Act of Limitations from attaching upon the said Notes. The Court are of opinion that the said Notes are barred.

And exception- This is comprehended on and decided under the foregoing one.

4.th exception- Upon this exception, one of the grounds taken by the Compts Counsel, that it is de hors the answer and exhibits



containing the account of Administration; whatever construction the Court might think themselves bound to give, where this point was brought alone before them, they think it unnecessary to decide upon it at present, since there is another ground, sufficient to warrant their decision in favor of the exception; this is the want of the highest evidence the nature of the Case would admit, to claim for the Sixty Pounds and interest, said

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to have been said by Thomas Harple, to redeem the two Negroes, Venus and Maria. The evidence principally relied upon, in support of the claim, by the Defendants Counsel, is that of William Mobly, who is by no means positive in his testimony. he says he knew the two Negroes, Venus and Maria; they were mortgaged and placed in the hands of his father, in the lifetime of John Harple, as a pledge for the repayment of a sum of money. the Negroes were afterwards returned to Thomas Harple, and he believes the money was paid to his father. now, he only swears as to his belief, and not positively, that the money was paid. but, as it also appears from his testimony that, there was a Mortgage of the Negroes, which, if the money was paid, it is reasonable to conclude was given up, this Mortgage ought, either to have been produced, or the loss of it proved, but it does not even appear that it was searched for. The Court are of opinion that the 4th exception be sustained. 1st Exception of the Defendants Counsel. On this exception it appears, that Rents were actually received for the plantation in the same mentioned, by the Defendants, for the years 1791, 1792 and 1793. the Court are therefore of opinion, that James Rabb the Executor should account for, the mesne profits for those years, as far as, the amount of the amount of the said Rents. 2nd Exception. Upon this exception, the Court are of opinion that it would be too vigorous, to compel the Defendants to pay the mesne profits, at a period, so long before the claims of the Complainants was made, more especially, as it does not appear that the land was productive of much rent, and the Complainants were guilty of considerable delay, in not making their claim sooner. 3rd Exception. - The Court are of opinion, that this exception ought to be overruled, since the charge made for the hire of the Negroes, is less than what is usually allowed by this Court. 4th Exception Upon this exception, the Court are of opinion, that it should be sustained, because there was no proof of John Harples being possessed of so much Stock, as to amount to the value in a said exception mentioned. That the

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quantity of Stock rested wholly upon the testimony of Isaac Young, which in the course of this trial, has been considerably impeached, and would not be relied upon by the Court, except when corroborated by other testimony. On motion of the Def.t Raird's Counsel, to strike him out of the Bill, it appears to the Court, by their once shewing and his answer, that he had possessed himself, of certain Negroes given for the Beaver Dam tract, which are hereby decreed to be given up to the heirs of John Harple. they therefore consider him, as fully reconciled with the other Defendant, and that the motion cannot be granted. Ex. John Briggs et ux )  
v ) Complainants exceptions to the report  
Exors N. Carey ) argued.  
1st Exception ) Overruled  
2nd Exception ) Sustained  
3rd & 4th Exceptions under consideration  
Hartyn Atkin ) Bill and Answer having been read  
v ) On motion of Mr. Blandine. Solicitor  
Made Hampton ) For the Def.t Ordered that the Bill be dismissed.  
John Hampton )  
v ) On motion of Mr. Blandine. Ordered that  
Exors William Lindsay ) this Cause do stand over, and that rules  
be served upon William Scarborough and  
Daniel Bourdeaux, commanding them to  
show cause, why an Attachment should not  
be issued against them, for contempt of  
the Process of this Court.  
James Davis ) Bill and Answer having been read  
v ) The continuation was postponed till to-  
James Prentiss et al ) morrow.

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Comrs of the Treasury )  
v )  
John Welsh and others )

Bill and Answer having been read  
Ordered that the Bill be dismissed

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Adjourned till to morrow morning at 10 O'Clock

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Lovick Rochell ) Agreeable to the petition of the Defendant  
v ) Ordered that he have leave to withdraw his  
James Holmes ) plea and that the injunction be continued  
Poster Moore et ux ) Ordered that the Defendant do account to the  
v ) Complainants, for the hire of one Negroe, in  
William Wright ) the years Seventeen hundred & Ninety eight  
and Seventeen hundred and Ninety nine. for  
the hire of two Negroes in the year Eighteen hundred & for the  
hire of three Negroes in the years Eighteen hundred and three and  
Eighteen hundred and four. that he be allowed one dollar per Annum,  
per Acre, for the rent of twenty acres of land furnished the Com-  
plainants, and also five Pounds per Annum, for his services in the  
management of the Estate of John Wright.  
John Briggs et ux ) The Court are of opinion on the third excep-  
v ) tion, that the charge for Boarding and Lodg-  
Ex. Nath. Carey ) ing is inadmissible, and the exception  
must be sustained. the Interest on the amount  
of Sales of the Estate and bought by the Executor Isaac Dubose  
was more than sufficient to maintain the Child, and the Court will  
allow the Executor only Twenty pounds for the Board and lodging  
of the Child, and carry the Balance of interest to the credit of  
the Estate. If the Executor had put out this money at interest,  
it would have yielded more than Thirty seven pounds, but as he  
thought proper to retain it in his own hands, he must account for  
the interest. The Court will not permit Executors, to expend more  
money for Children, than the income of an Estate; this being a  
small Estate and the Child a mere Infant, during a great part of  
the time, the allowance of Twenty pounds, is considered liberal &  
large from the circumstances of the Estate.  
The 4th Exception must be sustained. the Executor cannot be allow-  
ed interest on his account, it is unusual and not warranted by Law,  
besides the Interest in his hands was more than sufficient to pay  
the Board annually, as it accrued, and to allow it would be swal-  
low up the whole Estate.

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John Hampton ) On motion of Mr. Blandine Ordered that  
v ) Commissions do issue to examine Tho. Bowd  
Exors Will. Lindsay ) and Daniel Bourdeaux & Wits on behalf of  
the Complainant.  
Admrs Comply ) Ordered that the Injunction be dissolved  
v ) and that an Exon be issued at Law for the  
Richard Winn ) Sum be ordered, say Two hundred and Eighty  
four pounds, five shillings and eleven  
pence and that the Complainants do pay the  
Costs.

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W. Richardson et al )  
v ) Bill and Answer read.  
Mr. Boykin et al. )

ADJOURNED TILL 6 O'CLOCK P. M.  
6 O'CLOCK P. M. COURT WILL REASSEMBLE TO ADJURNMENT

Thomas Sumter ) On affidavit of the Def.t Ordered that this  
v ) Cause do stand over.  
James Hamilton ) Ordered that it be referred to the Commissr to  
examine the Titles under which the Defendant  
claims, and ascertain their validity.

ADJOURNED TILL 10 O'CLOCK P. M. FEBRUARY 23rd 1805

THE COURT MET ACCORDING TO ADJURNMENT

Poster Moore et ux ) Ordered that this Cause be again referred to  
v ) the Commissioner, that he examine the accounts  
William Wright ) between the parties, and that he do report at  
the next Court.





MS James Trentham et al )  
 Jdvs )  
 James Davis )  
 McRa Cantey & Co )  
 V. )  
 Admr Tho. Broome )  
 Admr Tho. Broome )  
 V )  
 McRa Cantey & Co )

On motion of Mr Falconer Ordered 48  
 that he have leave to amend his bill  
 and that the Cause do stand over at  
 the Complainants Costs.

Ordered that he Compt on the Origin-  
 al Bill and the Defd.t in the Cross  
 Bill do pay the Costs.

111 FEBRUARY 23rd 1805

Thomas Nelson )  
 V )  
 James Rutherford et al )  
 in the said Bill mentioned, in fee simple to the Complainant,  
 and that the Defendant do pay the Costs of this Suit as well as  
 of the suit at Law against the Complainant, as it was instituted  
 in direct violation of the said agreement.

William Wright )  
 V )  
 McRa and Cantey )  
 Ordered that the Bill in this case be  
 dismissed with Costs and that the Injunc-  
 tion be dissolved.

Majajill et al )  
 V )  
 Rabba & Raiford )  
 Ordered that the Defd.t Phillip Raiford  
 do give bond with good security in the  
 sum of Four thousand three hundred Dol-  
 lars to abide the event of this suit in  
 the course of one fortnight.

John Briggs et Ux )  
 V )  
 Exrs Nath. Carey )  
 The Comr made the following Report  
 Upon a reexamination of the accounts in  
 the above Cause, as directed by the or-  
 der of this Court, I find the sum due by  
 the Defendant Isaac Dubose to the 3 plaintiffs, amounts to Four  
 hundred and four pounds, nineteen shillings & nine pence.  
 Ordered and decreed, that the above report be confirm-  
 ed and that the Defendant Isaac Dubose do pay the Costs.

Will Richardson et al )  
 V )  
 Bur. Boykin et al )  
 Ordered that this Cause do stand over and  
 that all the witnesses be examined de  
 bene esse before the Commissioner, and  
 that when any witness cannot attend the  
 Commissioner, he be directed to issue a Com'n to take their exam-  
 ination, and that the notes taken before the arbitrators of Wil-  
 liam Raynolds testimony be received on trial.

Thomas Sumter Senr )  
 Tho. Sumter Junr et al )  
 Adv.s )  
 Exor Phil. Hawkins )  
 On motion of Mr Richardson Solicitor  
 for Def.t Ordered that the Def.t Thomas  
 Sumter Senr have leave to amend his  
 answer.

James Davis )  
 V )  
 James Trentham )  
 On motion of Mr Falconer, Ordered that  
 he have leave to amend his Bill so as  
 to include the Action of Trespass, "struck  
 out by order of Court."

112 FEBRUARY 22nd 1805

Exparte )  
 John Taylor )  
 A Petition having been presented by John Taylor  
 Esquire, Trustee and Manager of the Estate of James  
 Taylor a Lunatic praying, to be allowed to sell a  
 portion of Two hundred Acres of Land on the west side of the Con-  
 garce River, opposite to the plantation called James Taylors Low-  
 er plantation, sold by order of this Court, the said Land having  
 no Timber thereon, he prays that the said two hundred Acres, may  
 be attached thereto and sold, for that purpose.  
 Ordered that the Petitioners prayer be granted.

113 FEBRUARY 17th 1806

At a meeting and sitting of the Court of Equity, in and for  
 the united districts of Lancaster, Berazaw, Sumter, Highland and  
 Fairfield, on the seventeenth day of February in the year of our

49 Lord one thousand eight hundred and six and Thirtieth of the Sex-  
 eighty and Independence of the United States of America.  
 Present.

The honorable William James and Waddy  
 Thompson, Esquires, Judges of the said Court.  
 Waddy Thompson, Esquire, presented the following Commis-  
 sion, which was read in open Court and ordered to be recorded.  
 STATE OF SOUTH CAROLINA.

By his Excellency Paul Hamilton, Esquire, Governor and  
 Commander in Chief, in and over the State aforesaid.  
 To Waddy Thompson, Esquire

Whereas the Senate and House of Representatives did,  
 on the thirtieth day of November in the year of our Lord one  
 thousand eight hundred and five, elect you, the said Waddy  
 Thompson one of the Judges in the Court of Equity in the State a-  
 foresaid. Now be it known that in pursuance of the said election,  
 I have commissioned, and by these presents do commission you, the  
 said Waddy Thompson, to have, hold, exercise the said Office of  
 Judge of the Court of Equity, together with all the powers,  
 rights and privileges thereunto belonging. This commission to  
 continue in force during good behavior. Given under my hand and  
 seal of the State this fourth day of December in the year of our  
 Lord, one thousand eight hundred and five, and in the thirtieth  
 year of American Independence. By the Governor  
 (Seal) Paul. Hamilton. Dan'l Jager  
 Secy of State.

J & W. Winn )  
 ad )  
 Exors John Wilson )  
 The defendants having filed their answer,  
 and thereby denied, as it is suggested by  
 their Counsel, the whole Equity of Compt.s  
 Bill.

It is therefore Ordered on motion of  
 M. Blanding the defendants Counsel, that the Injunction in this  
 case be

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dissolved, unless cause be shown to the contrary, on or before  
 Thursday next.  
 Admr. S. Gamble )  
 Vs )  
 Admr. V. Tyson )  
 Vs )  
 Geo. Cooper et al.)  
 Ordered that Geo. Cooper be appointed  
 Guardian to Savannah Cooper Gamble, an  
 infant, to answer this Bill; and he being  
 present accepted the trust, and it being  
 suggested to the Court that S. Gamble,  
 since filing the above Bill has intermarried with John McFadden,  
 it is therefore Ordered, that the said Bill shall hereafter be  
 carried on against the said Eliza and John, and that he be consid-  
 ered as a defendant in this suit. Ordered that the Defendants  
 have time, till the first of July next to file their answers, and  
 as soon as the same comes in, that the Commissioner do examine  
 the Accounts and report thereon.

Admr. J. A. Katsor )  
 Vs )  
 Exors. Jonathan Bilton )  
 The Bill and Answer were read.

John Carter et al. )  
 Vs )  
 Harris & Abbit )  
 On motion of Mr Richardson Solicitor for  
 the Compts and by consent of Mr. Blanding  
 Solicitor for the defendant Barton Harris,  
 Ordered that this Case be referred to the  
 Commissioner, and that he report upon the accounts exhibited.

Jos. & Esther Peilly )  
 Vs )  
 Charles Connors )  
 On motion of Mr Richardson Solicitor for  
 the Compts and by consent of Mr. Ward-  
 ling Solicitor for the Defendants,  
 Ordered that this Case be referred to the  
 Commissioner, and that he report upon the accounts exhibited.

The Court appointed Mr Wott, Mr Blanding & Mr Richardson,  
 to examine Israel G. Mathis, who presented to the Court a Petition,  
 praying to be admitted a Solicitor of the Court. And he having  
 been examined in open Court.

The Court Ordered

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 That the before named Petitioner do file his name to be en-  
 rolled amongst the Solicitors of this Court.



Lovick Rochell )  
 Vs )  
 James Holmes )

Ordered that the injunction in this Case be made perpetual, and that each party do pay their own Costs.

Exparte )  
 Esther Harper ) for  
 John McCall )  
 Catherine McCall )

Guardian

On motion of Mr Egan. Ordered that a Commission do issue directed to Ab. Nott, Esqr Timothy Rives and Doctor Brazier, or either of them to assign a Guardian to John McCall and Catharine the minor Children of the said Esther Harper.

W. & H. Lenoir )  
 Vs )  
 W. Somersall et al )

On Motion of Mr Mathis Solicitor. Ordered that the accounts in this Cause be referred to the Commissioner.

W. Hampton )  
 Vs )  
 A. B. Stark )

It having been made to appear that the defendant resides in Orangeburg district. Ordered that this Cause be transferred to that district.

FEBRUARY 18.th 1806

The Court appointed Mr Mathis, Mr Nott and Mr Egan to examine William Ross who presented to the Court a petition praying to be admitted a Solicitor in this Court. And ~~he~~ having been examined in open Court, the Court ordered that the prayer of his petition be granted, and that his name be enrolled amongst the Solicitors of this Court.

Amr J. A. Watson )  
 Vs )  
 Exors Jan. Belton )

Blanding Bill and answer. Mathis

James Wilson (sworn) saith, that he was present when Mr Belton told Mr Watson the amount of his account, he said it was about nine hundred pounds; it was three or four months before Mr Watson's death.

Jesse Havis (sworn) saith, that the reputation of James Wilson, is such, in the neighborhood where he resides

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That he would not always be believed on Oath.

Minor Winn (sworn) saith, that he is acquainted with the said Wilson, and the general report is that he would not be believed on Oath.

Austin P Posey (sworn) saith, that he also is acquainted with Mr Wilson; he lived some time with him at Mr Belton's. That he never heard any harm of him except as to paying his debts. He is considered an honest man.

Mr Smith (sworn) saith, that he has been acquainted with Mr Wilson these ten years- he never heard any thing to his disadvantage.

ADJOURNED TILL TO MORROW EVENING AT 10 O'CLOCK.

FEBRUARY 19.th 1806

The Court met according to adjournment

James Trentham )  
 Vs )  
 James Davis )

On motion of Mr Blanding Solicitor for the defendant. Ordered that the Complainants do give further and sufficient security to the injunction Bond in this Cause.

Nor. Maple et al )  
 Vs )  
 J. and R. Rabb )

The points reserved by the Judge in this Case, at the last Court were argued.

Wm Richardson et al )  
 Vs )  
 Bur. Boykin et al )

The Bill & answer were read.

Adjourned till to morrow morning at 10 O'clock

FEBRUARY 20.th 1806

The Court met according to adjournment.

Wm Richardson et al )  
 Vs )  
 Bur. Boykin et al )

The following papers were produced and read, Vix-t Richard Swilla's Examination. Original unsigned agreement between Wm Richardson and Samuel Boykin.

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Bond from Wm Richardson J.R to Gen.l Cantey. Agreement between Wm Richardson J.R and Burwell Boykin, and memorandum underneath.

Jacob Sivor (sworn) saith, that he knows the land on which Mr Rutledge lived, called Rugs old field; he was present when Mr Rutledge received a letter from Mr Richardson, by a Harce fellow of his, which stated that, if he wished the land about which they had been conversing, he must apply to Mr S Boykin for it, who afterwards gave him permission. He hauled logs there but did not finish his buildings; he planted Cotton there the same year.

He does not know Mr Boykin's hand writing; he cannot write himself; he does not recollect the time Mr Swilla lived, but, it was after it was said that Mr Richardson and Mr S Boykin had exchanged lands. Mr Tidwell lived there the year after Swilla. Francis Wrens examination produced and read.

Mrs Alice King (sworn) saith, that she knew the place where Mr Coon lived, on Rutledge's field, the year before Tidwell lived there. He had permission from S Boykin. Mr Plat was Mr S Boykin's Overseer, at the time Mr Tidwell lived there; she thinks Mr Wren was the next overseer to Mr Plat.

Mr Edmund Tidwell (sworn) saith, that he lived called Rutledge's field or Rugsfield, he thinks twenty one years next March, he had permission from Mr S. Boykin, he lived there nine months. It was generally understood to be S. Boykin's. Plat was the overseer that year, Francis Wren was the Overseer the succeeding year. Mr Richardson was alive when he first went to Mr S. Boykin. He thinks Mr Richardson must have known that he lived there, as he passed by his house to go to his Plantation. Mr Coon lived there previous to him.

A lease was produced, from D. Boykin to Abraham Kelly, of the high land field, 14.ap.1 1794. as S. Boykin's Estate

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William Warrants examination produced & read.

John Linkins (sworn) saith, that he had a conversation with B. Boykin, at the time of the contract between Mr S. Richardson and himself, who continued that he was glad the business was settled that his brother's children would now get the land he was requested to keep the original contract.

William Shiver (sworn) saith, that he was present with John Rutledge on the land in dispute, on the upper or east side of Woodson's branch, he pointed out the line between Mr Richardson and Mr Boykin it ran towards Lenoir's Plantation- he observed marked trees on the South side of Rutledge's house- he does not recollect the time on which he had the second conversation with him- he said he was sorry for the death of S. Boykin, for that he would have owned the land he then lived on- he was in possession of the land when and before Mr S Boykin died; he understood from him that Mr S Boykin gave him permission to reside there- he knows the land called Woodson's; Rutledge lived on and tended it by permission of Mr S Boykin.

Abraham Shiver (sworn) saith, that he had a conversation with Abram Rutledge, about two years ago, who said that his father had purchased from D. Boykin the land he lived on; that if he lost the land, which was disputed, Mr Boykin had promised to let him have other land rent free for seven years.

William Shiver saith that, he understood that Mr Rutledge gave Mr Boykin One hundred pounds for the land. The Complainants closed their testimony

William Nettles (for doft) sworn, saith, that some time about





eight months, after the death of W.M. Richardson, S. Boykin asked him to assist him in making a line from Lenoir to the Horsepen. they went till they came to a dogwood corner which had been marked- they stopped there-but, there appeared to be a line there which went across more South there was but one marked tree, which

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was about midway the line- he did not believe the line was ever run before- they were some time in finding the corner to start from. about the time M.R. Richardson died he saw M.R. Wren with M.R. Wren with M.R. Boykins negroes getting rails, who complained of the timber being bad- this deponent told him that there was some good on the E. side of the Horsepen branch: he said he had not liberty to go there- he knows the land of Rutledges and Woodeson field, it is good high land and lies well. Malachi Murrey (sworn) saith, that he lived one year on the land in dispute, by permission of M.R. S. Boykin- M.R. Richardson came to his plantation and staid all night, - he sent in the morning for M.R. Boykin and they rode over the land together.- M.R. Boykin afterwards went to his Overseer Wren, and observed Negroes on the E. side of the Horsepen branch getting timber; he directed them all to return and mentioned that, the original contract was altered, that M.R. Richardson had run out the line, and that the branch was the division between their lands- It was a year after the British left Camden and but a few months before M.R. Richardson's death.

William Nixon (sworn) saith, that he thinks the Woodeson field equal in value to any upland he mows the land given by M.R. S. Boykin in exchange, he lived about ten years ago with S. Boykin as his Overseer- they did not tend that land, but turned it out it does not lay well- M.R. B. Boykin did not consider the land as his, but M.R. S. Boykins.

John Chesnut (sworn) saith, that he had a conversation with S. Boykin and W.M. Richardson on the land in dispute; that the exchange was then mentioned, and M.R. Richardson said, that he had given a much greater quantity of land than he received.- he sold swamp land about that time for about five pounds P. Acre.

Adjourned till to morrow morning at 10 O'clock

FEBRUARY 21.st 1806.

The Court met according to adjournment.

John Hampton ) Ordered that this Cause do stand over &  
Vs ) that each party be at liberty to examine  
Exors W. Lindsay ) his witnesses in Chief by Commission.

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James Davis ) Ordered that this Bill be dismissed at the  
V ) cost of the Complainant.  
James Trentham )

Theop. & Jas. Wilson's ) On motion of M.R. Kett Compt Solicitor.  
V ) Ordered that this Cause do stand  
J & M. Finn ) over.

Adjourned till to morrow morning at 10 O'clock

February 22.nd 1806.

Will & H. Lenoir ) The Court Ordered this cause to  
V ) stand over.  
W. Somersall et al )

Adm.r J. A. Watson ) The Court Ordered that this Cause do  
V ) stand over. And that an issue at Law be  
Exors Jon. Belton ) directed.  
for order at length see page 65/10/125

Ordered that John Dinkins be appointed Guardian to Richard Coleman, Catharine Coleman & Louise Coleman, the minor children of

Richard Coleman deceased, on his giving approved security.  
William Wright ) Pet. for a rehearing ex parte W. Wright.

V ) Ordered that this Petition be referred to  
McRa & Cantey ) Charleston to be there heard and determined; and that in the mean time the injunction be continued until the question is decided.

W.M. & H. Lenoir ) Ordered and decreed that the Bill in this  
V ) case be taken proconfesso, against Richard Gwyn, William Whitaker and Henry Hunter, three of the defendants, residing without the limits of this State; and that the accounts be referred to the Commissioner.

McRa Cantey & Henry ) In pursuance of an order of reference, made  
V ) at the hearing of this Cause, on the seventh day of December, in the year of our

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Lord one thousand eight hundred and four, the Commissioner has proceeded, in the presence of the said parties, to examine the accounts and state the balances referred to him by that order; and upon a full examination thereof has made the following REPORT viz. That the said Zebulon Rudolph, as administrator aforesaid, and in right of the estate of the said Thomas Broom, after allowing the amount of Will-rent, during the first seasons (binding, upon a final close of the concerns of Thomas Broom and Company and Cantey, Broom and Company, did, on the thirty first day of July last, stand indebted to the said Duncan McRa, Zachariah Cantey and Robert Henry, in the sum of Twelve hundred and ninety one Pounds, four shillings and three pence one farthing, as appears in a general Statement thereof accompanying this report.

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H. L. Champion Comr.  
The Commissioners report being read, stating a balance of Twelve hundred and ninety one pounds, four shillings and three pence one farthing to have been due by the defendant Zebulon Rudolph as administrator aforesaid, to Duncan McRa, Zachariah Cantey and Robert Henry the Complainants, upon a settlement and final close of the concerns of Thomas Broom and Company and Cantey Broom and Company, on the thirty first day of July last as far as the debts of the said concern were then collected and received.

It is therefore ordered on motion of M.R. Blanding, Solicitor of the Complainants, and by consent of M.R. Rudolph in his proper person, that the said report be confirmed. And thereupon it is Ordered and Decreed, that the said Zebulon Rudolph, as administrator aforesaid, do pay to the said Duncan McRa, Zachariah Cantey and Robert Henry, the said sum of Twelve hundred and ninety one pounds four shillings and three pence one farthing, with interest thereon from the thirty first day of July last, in the manner following, that is to say, that he the said Zebulon Rudolph, shall pay to them, the said Duncan, Zachariah and Robert, immediately, the sum of Five hundred pounds, part of of the said sum, with all the interest on the whole sum of Twelve hundred and ninety one pounds four shillings and three pence one farthing

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And shall also pay the balance of the said sum of Twelve hundred and ninety one pounds four shillings and three pence one farthing amounting to Seven hundred and ninety one pounds four shillings & three pence one farthing, in three equal annual instalments; the first instalment with interest due on the whole balance, to be paid on the twenty first day of February next, and so in each succeeding year.

It is further Ordered and Decreed, that this Decree stand as a security for the payment of the said sums of money, and, that the estate of the said Thomas Broom, both real and personal, be bound for the payment of the said several instalments, and if that it should be found necessary to sell any part thereof, that the said Zebulon Rudolph have leave, under the direction of the Commissioner of this Court, to sell such part of the lands and real estate, either at private or public sale, as the Commissioner may think most advisable and for the interest of the said estate, and that the said Commissioner do make titles to the purchaser or purchasers thereof, and that the defendant Zebulon Rudolph do pay the costs of these suits.

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John Owens Exec.r } Bill of Motion of M.r Blanding  
of Phillip Hawkins } Solicitor for the Complainant.  
V } ant. Ordered that this Case  
Thomas Sumter et al) Comp.t be referred to the Commissioner to report thereon,  
and that he state the amount due on the Complainants Judgment, the lands holden by each of the defendants that may be subject to than Judgment, and what part thereof has been sold under the Judgment under which the defendants claim and for that purpose a rule of survey do issue, directed to  
on part of the Complainant, and to  
on part of the Defendants, And it is further ordered on motion of M.r Blanding, that William Rayford do shew cause at the next Court of Equity, to be holden here on the first monday in December next, why an attachment should not be issued against him, for a contempt in not obeying the process of this Court, when Subpoenaed as a witness. And that the honorable William Johnson, Esq.r, be examined as a witness in Chief. It is further Ordered that the defendants Solicitor have thirty days notice before the reference

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be made in this Case by the Complainants Solicitor.  
Admor Seth Pool } On motion of M.r Blanding Solicitor for  
Vs } the Complainant and by consent of M.r  
James Bates } Not Solicitor for the Defendant.  
Commissioner to report thereon.

Allen Magargill & } The Commissioner having been attend-  
wife and others. } ed by the Solicitors on part of the  
V } Complainants and by the Solicitor on  
Jas Rabb Robert Rabb } part of the Defendants Robert Rabb  
& Phillip Rayford } and James Rabb. And in the absence  
of the Solicitor of Phillip Rayford,  
who had been duly summoned to attend, makes the following report.

1.st That there are in the possession of Phillip Rayford eleven Negroes, belonging to the estate of John Marple, Viz. Phillis, Nancy, Bet, Esther, Rachart, David (a boy) Ned, Jack, Peter and two small Children. That the said Phillip Rayford has also in his possession, a certain Negroe named David belonging to the estate of Thomas Marple; of all which said Negroes, the said Phillip Rayford & Robert Rabb have a Bill of Sale, by way of mortgage, to secure them against the debt due to Smith Dessausure and Company, and Ball, Jennings and Company, contracted by Thomas Marple. And that the said Phillip hath paid no part of the debt, but that the said Robert Rabb has paid a part thereof, which, with the interest thereof, to the first day of January, one thousand eight hundred and five, amounts to Three hundred and ninety three pounds twelve shillings and three pence, out of his own funds.  
2.nd That the said Robert Rabb hath no property, either of the estate of Thomas or John Marple in his hands.  
3.rd That upon examining the accounts of James Rabb with the estate of Thomas Marple, there appears a balance in favor of James Rabb, of Eighty one pounds thirteen shillings & eleven pence.

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4.th That the said James Rabb has no specific property, either of John or Thomas Marples estates in his hands.  
5.th That upon examining the account of James Rabb with the heirs of John Marple, there appears to be a balance of Fifty pounds twelve shillings and two pence, including interest to the first day of January one thousand eight hundred and five in favor of the said heirs for rents received.  
6.th That upon examining the accounts of Thomas Marples Estate, with John Marples Estate, there appears to be a balance in favor of John Marples Estate of Six hundred and forty three pounds three shillings and two pence, including interest to the first day of January One thousand eight hundred and Of which the said Thomas Marple is entitled to a distributive share of one fourth part.

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7.th That the hire of the negroes in the hands of Rayford, during the time he has hands, amount at one hundred and seventy two pounds.

Exceptions to the above report.

R. L. Champion Com.rg

Complainants Solicitor excepts to the report of the Commissioner because he has stated that Thomas Marple was entitled to a distributive fourth part of John Marples Estate, which he had been entitled to that part, it is apoint not brought into view by the bill or answers, and was not referred to the Commissioner.

In this Case the defendant Rayford excepts to the Commissioners Report, for the following reasons.

1.st Because the hire or wages of Phillis ought not to be estimated at ten pounds per Annum, as that is the ratio, where negroes are able and taskable. And this negroe Phillis was a breeder and had a child almost every year.

2.nd Because Ralford being a fair purchaser without notice of any trust from Thomas Marple Administrator of John Marple.

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3.rd Because the present Complainants are not the heirs of John real property, in as much as Richard Marple, the eldest son of Richard an elder brother of said John is the heir at law.

Allen Magargill et Ux et al. }  
V } Decree.  
James & Robert Rabb & Ph. Rayford)

The only question in this Case, remaining for the consideration of this Court is, whether the defendant Robert Rabb shall be decreed to give up the negroes which he has in his possession, under the bill of sale which he obtained from Thomas Marple, to counter secure him against the securityship for the debt of Smith, Dessausure and Darrell, before he has been refunded the monies advanced by him towards the payment of that Debt.

It appears from the evidence that, Thomas Marple took the negroes of his brothers estate into possession without any legal authority, and conveyed them away to Robert Rabb, by an absolute Bill of Sale, to secure him as aforesaid; but, notice of Compts claim is not brought home to Robert Rabb. It has indeed been urged, that he possessed himself of all the names of John and Thomas Marple, and therefore, that he must either have obtained notice of the right of John Marple, or what was sufficient to put him upon enquiry as to that right. But it appears that, the bond given by Jacob Reizer the Elder to John Marple, for the land on Morris Creek, fell into the hands of Thomas Marple, who cancelled it or delivered it up to Jacob Reizer J.r and received from him a title in his own name; And that three of the Negroes, Phillis, Jack and Rose, were given by James Craig for the land. Therefore, when Robert Rabb had obtained possession of the papers there appears to have been no possibility of tracing the right of John Marple through them, because Thomas Marple had taken care to destroy the only paper which could lead to a knowledge of that right.

Thomas Marple being in possession of the

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Negroes, had such a semblance of right to them as might lead a purchaser astray. Whether Thomas Marple acted justly towards the complainants, in mortgaging those negroes, is a question foreign to the defendant Rabb and cannot be properly agitated until Comts shall sue Thomas Marple representatives for the devastavit.

It besides further appears unto the Court, that the defendant Robert Rabb being in possession by an absolute Bill of Sale, it was incumbent on the complainants to produce evidence to impeach that Bill of Sale, by shewing that he came by it, with notice of Compts claim; and not having done so, the Court will consider him so far as he has paid monies in the light of an innocent and bona fide purchaser. The Court therefore decrees that, he has a right to hold the negroes, untill he has received the monies, with all the legal interest thereon, which he may have advanced towards the payment of the Debt of Smith Dessausure and Darrell.

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They refer it to the Commissioner, to Report what the hire of certain of the Negroes will amount to, while in the possession of Robert Webb, and what the amount of certain other Negroes will amount to which were in the possession of the defendant P. Rayford, since the last Court in February.

That the negroes now in the possession of M.R. Rayford be delivered up to the Master, to be sold under his direction on a Credit of eight months taking good security, the titles to be signed but not delivered, nor the right of the property changed till the money is paid. And in case of none payment on the day, that the Commissioner resell the same at the risk of the former purchaser. The amount of the said sale to remain in the Commissioners hands, subject to the future order of this Court.

That the report made by the Master the 23 Feb'y 1805 be confirmed.  
Wm G. Richardson et al )  
v  
Burwell Boykin et al )

In making up their Decree in this Case the Court will consider in the first place, whether the Instrument in writing, contained in exhibit A,

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entered into between William Richardson the elder and Samuel Boykin, dated the day of December One thousand seven hundred and eighty three, is good, notwithstanding the statute of frauds. And as the quantity of land, for which a specific decree is prayed for by the Bill in some measure depends upon this agreement, and the other grounds are subordinate and dependant, to a certain extent, upon it also, it will be necessary to dispose of it in the first instance.-- By the evidence it appears, that this argument is in the hand writing of W. Richardson, one of the parties thereto, and contains his name in several parts of the body thereof, tho' not at the bottom of it, and tho the same was not signed by S. Boykin, yet, that it was found amongst his papers after his death.-- And it also appears from the testimony adduced, that each of the said parties took possession of the lands, in said instrument mentioned to be mutually granted to each other in pursuance of the same. Such being the evidence, upon the construction of the Statute it has been determined, 1.st That where the parties to any agreement reduce the same in any manner into writing, so that the same is good under the Statute.  
2.nd That if the name of the parties, against whom the suit is brought, be in any way found in the instrument, this will be a sufficient signing within the provision of the Statute, and  
3.nd That it seems sufficient, that the party against whom the bill is brought has signed the agreement, if it can be proved, acquiescence in the agreement in his power to shew an Upon a comparison of the instrument in question with these determinations, it appears upon the face of it, that, it is a sufficient signing to make it good under the Statute. whether the party signing the same had sufficient proof in his power, to shew an acquiescence in the other party, who did not sign it, also appears from the evidence; which shews that, the paper in the hand writing of Wm Richardson, the elder, was found among the papers

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of Samuel Boykin, which evinces that it had the full assent of the signer, and, that he left it in the power of the other party to agree or disagree thereto.-- But the agreement of Samuel Boykin is clearly inferred, from his taking possession of the lands, which Wm Richardson was bound to convey, in the lifetime of Wm Richardson, and it appears with his knowledge.

It is therefore the opinion of this Court, that the memorandum in writing, between the said W. Richardson and Samuel Boykin, was obligatory between the said parties, and vested in each of them an equitable title to the lands exchanged, not affected by the Statute of frauds.-- The equitable title to the swamp land thus became vested in Wm Richardson and that of the high land in Samuel Boykin, whilst the legal title remained in Statu quo, and passed from neither of the contracting parties

Let us now examine into this distinction

- 1.st As it affects the present right of Z. Cantey to convey the swamp land.
- 2.nd As it affects that of W. G. Richardson to convey the highland.

On the 1.st ground it is plain under the distinction made by the Court, that the Sheriff, in selling the swamp land, as part of the estate of Samuel Boykin, could only dispose of his legal title to it, as the equitable title, in consequence of the death of Wm Richardson, had become vested in his heirs. But the land being thus disposed of to Z. Cantey, the legal title has now become vested in him, and, with the assent of the heir of Wm Richardson, he can make a good title to the defendant Burwell Boykin.

Next how does this distinction affect the right of W. G. Richardson at the present time.--and upon this point it does not seem material to the Compts, whether the Sheriff, at the sale of the Highland Plantation, made any reservation of the highland or not. The case is more strongly in their favor if he did not make reservation. We will take it upon the ground that there was no reservation by the Sheriff; for none has been proved--and what will be the consequence? It is that the legal title became vested in W. G. Richardson by the sale, & it is recognized in him by Burwell Boykin, in the

#### FEBRUARY 22.nd 1806

agreement for the purchase of the Highland Plantation.

It was indeed said that, this agreement did not refer with sufficient certainty to the first memorandum in writing, but this appears to the Court, to be a mere dispute about words. The intention is clear, and if it was not so upon the face of the latter agreement, it has been sufficiently explained, by the parol evidence.

Upon this view of the 2.nd grounds, it therefore is the opinion of the Court, that the equitable title to the highland was reserved by W. G. Richardson in himself, for the heirs of Samuel Boykin, by the agreement entered into by him with Burwell Boykin; and indeed it appears that he could not have divested them of this equitable right, because it has passed away to them by the act of his ancestor. But the Sheriff has made a title to S. Boykin, without any reservation of the high land; The Court however is of opinion, from the agreement of it was W. G. Richardson and S. Boykin, and from the evidence offered by Wm Marrant and J. Dinkins, that this title was obtained, under the color of a Trust for W. G. Richardson, and that the same must result to him, for the heirs of S. Boykin.

The defendant S. Boykin ought therefore to make a legal Title of the highlands, to the heirs of his deceased brother, in whom rests the equitable right

as to the claim of the defendant Rutledge it depends wholly upon the act of Limitations, but as it has been fully proved and is indeed acknowledged by his answer, that he paid rent for the land to the representatives of Samuel Boykin, who held in trust for the heirs, we are of opinion, that the act cannot attach upon their claim.

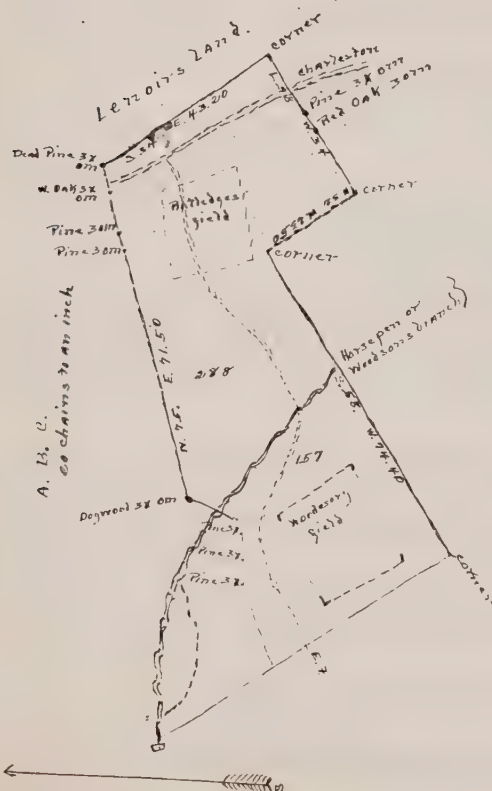
The Court therefore are ready to Decree a specific performance of the first contract, provided it contains with sufficient certainty, a description of the lands in dispute. By a reference to the first agreement, there appears a difficulty in filling up the blank which is left in the description of the highland thereby granted, but the words that precede and follow after the blank as the Bill does southwardly to the meaning of this seems to be that, the line is to run south according as the

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Bill does not, till it comes to some tree or place left blank--and from thence it is to proceed "along the swamp side makes to the Bill-dam and keeping ~~left~~ on the highland below the said swamp about 50 feet distance from the edge of the said swamp as the blazed trees goes". Now it is impossible to tell exactly how far the line was to run south from the Bill-dam, since the point is left blank, but as the line is to proceed from the point left blank, along the swamp that makes to the Bill-dam, & there is such a swamp, at the corner made by the plat named A.B.C., to be herewith filed, The Court are of opinion that the swamp should be established for the blank left in the first agreement.



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K. L. Champion  
Comptroller

Ordered that the said Report be confirmed.- And thereupon it is  
 Ordered and Decreed, that the whole of the Estate of the said  
 John Wright, now remaining in the hands of either the Complainant  
 or Defendant, be sold under the direction of the Commissioner of  
 this Court, on a credit of months, the purchasers giving security,  
 the titles be signed but not delivered, nor the property changed,  
 untill the money is paid, and in case of the non payment of the  
 purchase money, that the same be sold for Cash, at the risque of  
 the former purchaser. And that out of the net proceeds of the  
 said Sales- the said sum of One hundred and forty four pounds nine-  
 teen shillings and one penny and the bond given by the said John  
 Wright deceased to the said William Wright, amounting to four hun-  
 dred and fifty pounds, and interest thereon from the day  
 of in the year of our Lord one thousand seven  
 hundred and ninety be paid to the said William Wright; and  
 that one third part of the said balance be paid over to the Com-  
 plainants.

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and that each party pay his own costs.

[Blank]

DECEMBER 8.th 1807

It a meeting and sitting of the Court of Equity in and for the united districts of Kershaw, Lancaster, Richmond, Fairfield and Sumter, at Kershaw Court house on the eighth day of December, In the year of our Lord one thousand eight hundred and seven, and thirty second of the Sovereignty and Independence of the United States of America.

Present.

The honourable Hugh Rutledge, William James and  
Naddy Thompson, Esquires, Judges of the said Court.

PETITION OF SAMUEL SCOTT, for the)  
Guardianship of Mary Ann Scott )

On motion of Mr. Hooker, Ordered that the prayer of the Petition be granted, and that the Commissioner do issue to the Petitioner, Letters of Guardianship, upon his giving such security as the Commissioner approves of.

PETITION OF DWIGHT DAPBY for the )  
Guardianship of Nancy Clark . )

On motion of F. R. Hooker, Ordered that the prayer of the Petition be granted, and that the Commissioner do issue letters of Guardianship to the Petitioner, on his giving such security as the Commissioner shall approve.

PETITION OF FREEMON DULANE  
for Guardianship, of Philip P. Hiron,  
and John W. Hiron.

On motion of N.R. Hooker, ordered that the prayer of the Petition be granted, and that the Commissioner do issue letters of Guardianship to the Petitioner, upon his giving sufficient security, and that Abraham Kott, Esq., be appointed to approve of the Security.





Admor & Admx. Jas. A. Watson } Upon hearing the arguments  
V } Report of the Counsel for the  
Exors. Jonathan Belton } Complainants and Defendants  
Ordered that the Commissioners Report be confirmed and that the  
accounts be again referred to the Commissioner to bring them up  
to the present time.

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Jos & Esther Reilly } On motion of Mr Blanding, So-  
V } licitor for the Defendant, Or-  
Charles Connor } Complaint Ordered that this Bill be dis-  
missed with Costs.

James K. Carter et al } Bill of Upon motion of Mr Richardson  
V } Solicitor for the Complainants  
Barton Harris } Complaint. and by consent of Mr Blanding  
& Henry Abbot } Solicitor for the Defendants.  
Ordered that the accounts ex-

hibited in this case, be referred again to the Commissioner, and  
that he do report thereon at next Court.

Robert Tucker } Bill of Compt. On motion of Mr Hooker Com-  
V } and for plainants Solicitor Ordered  
Wood Tucker } Division that he have leave to amend  
the Bill

Sarah Allen } Bill of On motion of Mr Hooker Com-  
V } Complaint. plainants Solicitor Ordered  
John Williams } that this Case be referred to  
the Commissioner to liquidate  
the accounts between the parties concerned, and that he do re-  
port thereon at the next Court.

Samuel Fendergrass } Bill for On motion of Mr S. Mathis  
Admor, Sarah Gamble } Discovery of Solicitor for the complain-  
& Ann Virtue Tyson } Real & personal ants, and by consent of  
V } Mr Blanding Solicitor for  
Geo: Cooper et alie } prop'y & for the Defendants. Ordered  
Part. that a writ of Partition

do issue directed to John Conyers, Robert Lowrey, William Tay-  
lor, Thomas McHaddin and Samuel Nelson, Commissioners, authoriz-  
ing them to divide the lands and negroes in this case, and to  
allot off to Complainants, their part thereof according to the  
prayer of the Bill of Complaint.  
On the Petition of John Croft and Moses Croft that William Scott  
be appointed their Guardian, to have the care and custody of  
their persons and property. Ordered that the prayer of their  
Petition be granted.

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On the Petition of Malachiah Weston, in right of his wife, for a  
Writ of Partition to divide the Estate of her late husband Abiah  
Croft. Ordered that the prayer of the said Petition be granted.

ON THE PETITION OF THOMAS STARK. Ordered that his mother, Sarah  
Stark, be appointed his Guardian, and to have the care and custo-  
dy of his person and property.

ON THE PETITION OF CHRISTIAN E. WILLIAMSON & WIFE  
Ordered that the said Christian E. Williamson and Mary his wife,  
be appointed Guardians of Sarah T. Howell and Mary Ann Howell,  
and to have the care and custody of their persons and property.

Zachary Hogg et al }  
V } Ordered that the return of the Commis-  
General Pearson } sioners, in this Case, be received and  
& Jos. McMorris } recorded.

STATE OF SOUTH CAROLINA. Northern Circuit.

To John Harrington, James McMorris, Benjamin May, James  
Davis & Philip Pearson.  
GREETING.

WHEREAS it is suggested to the Court of Equity held  
at Laurens Court house, by Zachary Hogg and Willy Tolfaro his

wife, daughter of Richard Strauther deceased, that the said Rich-  
ard Strauther late of Newberry district and State aforesaid, de-  
ceased in his lifetime and at the time of his death, was seized  
and possessed in fee simple of five tracts of land, situate in  
Newberry, Fairfield and Highland districts, to wit, one of five  
hundred acres on the south side of Broad river in Newberry dis-  
trict, one tract of three hundred acres in the said district,  
on second Creek, one tract of one hundred acres on Sellers Creek  
in the said district, one tract of four hundred acres in Fair-  
field district, on the north side of Broad river, known by the  
name of Staughters ferry tract, and one other tract of five hun-  
dred acres, on the north side of the said River in Highland dis-  
trict, about twelve miles above Columbia. That some time in the  
fall of the year one thousand seven hundred and ninety four, the  
said Richard Strauther died intestate, leaving a Widow, who

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has since died, and five children, Willy Tolfaro, Strauther,  
now the wife of the said Zachary Hogg, William Strauther,  
Fort Strauther, Nancy Rachel Strauther and Lucy Strauther. And  
the said Zachary, in right of his wife, being entitled to and de-  
siring of a just partition and division of all the said land and  
premises, between them and every and each of the said five Chil-  
dren, married as aforesaid. THESE are therefore to command you  
the said John Hampton, James McMorris, Benjamin May, James Davis  
and Philip Pearson, that in your proper persons, you go to and up-  
on the lands and premises aforesaid and in the presence of the  
parties, by you to be warned, if they will be present, the said  
five tracts of land with the hereditaments and appurtenances,  
thereunto belonging, respect being had to the real value thereof,  
you allot, share and divide, all the said land, equally and im-  
partially, between the aforesaid children, to wit, Willy Tolfaro  
Hogg, daughter of the said Richard Strauther, Sarah Fort Strau-  
ther, Nancy Rachel Strauther Lucy Strauther and William Strauther,  
according to the prayer of the said Zachary Hogg--and the parti-  
tion of you the said John, James, Benjamin, James and Philip,  
distinctly and openly made under your hands and seals, have, to-  
gether with this Writ, before Richard Lloyd Champion, Judges,  
Commissioner of the Court of Equity for the United districts of  
Laurens, Kershaw, Sumter, Richland and Fairfield, on or before  
the first monday in December next.

(L.S.)

J. Harrington  
Com in Equity.

South Carolina) P.A.R.R.O.W  
District) Magistrates Return. Compts Solr  
I do certify to the honorable Court of Equity  
DECEMBER 8.th 1807

that I have duly sworn John Hampton, James McMorris, Benjamin  
May, James Davis and Philip Pearson, Commissioners named in the  
Writ of Partition herunto annexed to the true and faithful ex-  
ecution of the said Writ.--

Given under my hand and seal in district, aforesaid, this  
seventeenth day of October in the year of our Lord one  
thousand eight hundred and six, and in the thirtieth year  
of the Independence of the United States of America.

Sworn to before me  
this 17.th day of Oct.r 1806  
Nathl. Dickert, J.P.

John Hampton (LS)  
Ja.s McMorris (LS)  
Benjn May (LS)  
Ja.s Davis (LS)  
Phil. Pearson (LS)

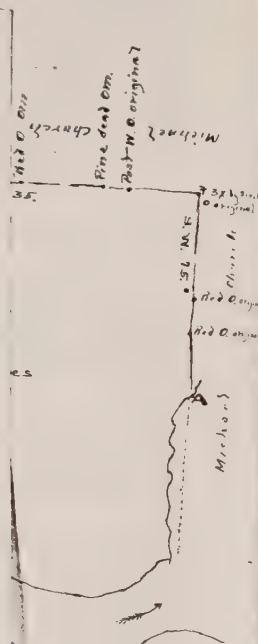
I have duly executed the Writ of Partition to which this Certifi-  
cate is annexed as we are therein commanded agreeable to the Stat,  
also herunto annexed. Given under our hands and seals this 6.th  
day of November, in the year of our Lord one thousand eight hun-  
dred and six.

John Hampton (J.S.)  
Ja.s McMorris (L.S.)  
Benjn May (L.S.)  
Ja.s Davis (L.S.)  
Phil. Pearson (L.S.)

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the Estate of Richard  
deceased, the north side  
of N.O. 6 and 7 situated  
in the District.

#### South Carolina Fairfield District.

Be, the Commissioners appointed to make partition and division of certain lands belonging to the Estate of Richard Strother, deceased, between the five children of the said deceased, do make partition and division of the same, in the following manner, Viz. In order to accommodate two of the children, we have divided N: C into two equal parts, by a line beginning at Stake XX between two Burches XX each on the river / and running N. E. 52.0 to S. 81 XX. between two Black-jacks each E. We have also divided N.O. 7 into two equal parts by a line beginning at Red Oak XX by road C, and running N. E.

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N.O. 6 and 7. And we agree that the S. E. part of the tract represented by N.O. 6, should be attached to the S. E. part of the tract represented by N.O. 7, and make the (fourth lot) which being appraised at 702, is set apart to Sarah Fort Strother. And we also agree, that the N. W. part of the tract represented by N.O. 6 should be attached to the N. W. part of the tract represented by N.O. 7 and

compose the (fifth lot) which being appraised to 786.50 is set apart to Nancy Rachel Strother. Each of the children, being accommodated with land, and the tract represented by N.O. 8 being in dispute we recommend that the same be sold for the benefit of the Children, should it be recovered.

Certified under our hands the 8.th day of November 1806.

Phil. Pearson: Benj. Ray John Hampton  
Ja. s Davis Ja. s McMorries.

M. R. Chapman as Levy and M. R. John B. Miller having presented their Petitions, praying to be admitted to practise as Solicitors of this Court, Abraham Nott and Abraham Blanding, Esquires, were appointed by the Court to examine them; And they having undergone an examination, in open Court, touching their knowledge in that respect. It is Ordered that the prayer of the Petitioners be granted, and that their names be enrolled amongst the Solicitors of this Court.

Adjourned till to morrow morning at 10 O'Clock.

Wednesday 9.th December 1807

The Court met according to adjournment.

Reuben Harrison et al ) Bill of  
v ) Comp. t  
Exor Hubbard Rees. ) Comp. t

depart this life before the final decision of this case, be taken as bene esse.

Will. G Richardson et al ) Bill In this case the Master made the  
v ) for following Report. Viz.  
Burrell Boykin et al ) Rents

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Pursuant to the Decretal Ordered in this case I have been attended by the parties Complainant and Defendant, and after an examination of all the evidence produced before me, have made all the evidence produced before me, have made the following Report, of the rents of the lands while in possession of the Defendants in their own right.

1.st From the acknowledgments of the Defendants it appears, that they took possession of the land in dispute, in their own right, on the eighth day of April 1795; and that possession was delivered up to the Complainant Eschariah Canter, on the twenty second day of February 1806.

2.nd That, of the Woodson field about fifty acres were under cultivation, till the first day of January 1801, and after that period, about seventy four acres were under cultivation.

3.nd. That, of the Rutledge field, about twenty acres, on an average, were cultivated from the time of its being taken into the possession of the Defendants, in their own right.

4.th That the value of the Rents and profits of the Woodson field, during the time that the same was in the possession of the Defendant Burrell Boykin, in his own right, amounting with interest calculated thereon to the first day of January 1807, to one thousand eight hundred and fifty five dollars and forty four cents, as appears by the statement hereunto annexed.

5.th That the rents of the Rutledge field, from the time that the same was taken into possession by the Defendant John Rutledge, as far as I have been able to state the same, from the testimony of John Chesnut and Luncan John and the flat of Silas Shirm, amounts with interest to the first day of January 1807, to six hundred and twenty four dollars eighty cents, as appears by the statement thereof hereunto annexed.

R. L. Champion  
Clerk

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And thereon it being represented to the Court, that the De-





-fendant Burwell Boykin had compromised with the Complainants, as to so much of the rents as were reported to be due by him, it was ORDERED that the said report, so far as it respected him be discharged. And on motion of Mr. Blanding Solicitor for the Complainants, it was ordered, that the report so far as the same related to the rents reported to be due by the Defendants Abraham Rutledge and Isaac Rutledge be confirmed, and that the Complainants Zachariah Cantey and Sarah his wife, and Elizabeth Boykin, do recover against the said Abraham Rutledge and Isaac Rutledge, Executors of the said John Rutledge, the said sum of six hundred and twenty four dollars and eighty cents, with the interest thereon from this date; and that the Complainants do recover against the said Defendants, the costs of this suit, one half to be paid by the said Burwell Boykin and the other half by the said Abraham Rutledge and Isaac Rutledge.

Philip Marshall Anderson )  
V. ) Bill for Partition.  
John B. Anderson, )

On the Petition of Samuel McBride. It is Ordered that he be admitted Guardian ad litem, for the Complainant.

And upon hearing the Bill and Answer, and on motion of Mr. Blanding Solicitor for the Complainant, and by consent of the Defendant, It is Ordered that a writ of Partition do issue, directed to George Cooper, Thomas McFaddin, John Conyers, William Taylor, and John Perry, requiring them to divide the lands in dispute according to the prayer of the Bill.

Daniel Carter ) Bill for  
V. ) Sale of  
James F. Carter et al ) Lands  
On Petition of James R. Carter, It is Ordered that he be admitted Guardian (ad litem) of the other Defendants. And on hearing the

Bill and Answer in

WEDNESDAY 9.th DECEMBER 1807

This Case, It is Ordered on motion of Mr. Blanding Solicitor for the Complainant and by consent of James R. Carter on behalf of himself and as Guardian for the other Defendants that it be referred to the Commissioner to enquire, whether it will be for the benefit of the Defendants, that the lands mentioned in the Bill should be sold, and other lands of equal or superior value settled on them in the same manner as the same is limited to their Grandfathers will, and if he should be of opinion that it would be for their benefit, that then in Case the said Daniel Carter shall settle such other lands on them, of as great or superior value, or give bond with good security so to do, the said Master shall make titles to the said lands to such person as the same may be sold to provided he approves of the price for which the said lands shall be sold.

Mary Irvin )  
V. ) Partition  
James Irvin et al. ) It having been represented, that in consequence of the indisposition of the Commissioner, he has been unable to report the Sales in this Case, and finally to close the collections. It is ordered that he have time till the next Court, to make the said Report.

Foster Moore et Ux )  
V. )  
William Wright ) It being represented by the Commissioner, that he has been prevented from carrying into effect, the order of this Court ordering a Sale of the negroes of the Estate of John Wright decd., by reason of the said Complainants removing one of the said Negroes from the State. It is therefore ordered that the Commissioner proceed to sell the rest of the said Negroes, in pursuance of the former Order, and Charles's said value to the Complainant, on a final settlement of the estate.

Allon Macfarrell et al )  
V. )  
Robert Pabb et al ) Ordered that the Commissioner do investigate the claims of the dissenting Complainants in this

Case, together with the expences and costs by them respectively incurred in pro-

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-secuting this suit, and an account of the sales had in this Case, and Report on the same. 145

William and Hope Lenoir ) Bill of  
V. ) Comp.t Ordered that the Complainants  
William Somersall et al ) have leave to amend the Bill by inserting the name of John C. Faber and making him a party to the suit.

Austin Ford Perry )  
V. ) Bill for After hearing the Bill and  
Philemon Stark and ) Relief Answer in this Case, on motion  
Margaret his wife ) of Mr. Blanding Solicitor for the Complainant. It is Ordered that the Defendants do Convey the lands mentioned in the Bill to the Complainant, discharged from any limitations over, contained in the deed of the said Jonathan Barnes to the Defendants; and that the Complainant do proceed to sell the same under the direction of the Master, to the best advantage, giving a credit of one two, and three years. And that the proceeds thereof be applied in the first place to the payment of the Complainants Judgment at Law, and the interest that has or may accrue thereon; and that the balance thereof may be vested in other property, subject to the same limitations and conditions. that are expressed in the deed made by the said Jonathan Barnes to the Defendants.

Admor and Admrx of ) Bill of The Master submitted the follow-  
James Alexander Watson ) ing Report in pursuance of the  
V. ) Comp.t order made yesterday in this Case.  
Exors Jonathan Belton ) Viz. In pursuance to an order of reference this day made, in this Case, I have been attended by the Solicitors as well on the part of the Defendants as on part of the Complainants, and submit the following Report.

1st It appears by the statement of one of the Defendants, that since the last report was made and submitted to the Court in February 1806, there has been an encrease by the birth of two negro slaves, in addition to the number then reported to be in the Defendants possession,

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belonging to the Estate of the said James Alexander Watson, the whole now amounting to seventeen.

2nd That upon calculating the amount of negroe hire since the last report, and adding it to the balance then reported to be due, there is now a balance including interest, due by the Estate of the said Jonathan Belton, to the Estate of the said James Alexander Watson, of Seventeen hundred and fifty nine dollars and thirty five Cents.  
R. L. Groggion  
Clerk

Dear 8.th 1807.

And thereupon on motion of Mr. Blanding Solicitor for the Complainants, and after hearing the arguments of Mr. Wright's Solicitor for the Defendants, it is ordered that the said report be confirmed; And it is further ordered and decreed, that the Defendants do deliver up immediately, to the Complainants, their agent, or Solicitor, the seventeen negroes mentioned in the said report; and that they do pay to the Complainants, within six months from this date, the said sum of seventeen hundred and fifty nine dollars and thirty five Cents, with interest thereon from this date; and that the Defendants do pay to the Costs of this Suit.

On the Petition of John Boykin and William Borkin, praying that Zachariah Cantey might be appointed their Guardian, to have the care and custody of their persons & estates; Ordered that the prayer of the said petition be granted, and that letters of Guardianship do issue, upon the usual security being given.

FRIDAY 15.th 1808

At a meeting and sitting of the Court of Equity in and for the United Districts of New Brunswick, Richland, Fairfield



and Sumter, at Kershaw Courthouse, on Monday the fifteenth day of February, Anno Domini, one thousand eight hundred and eight, and in the thirty second year of the Sovereignty and Independence of the United States of America

present. The honourable William James and Waddy Thompson, Esquires, Judges of the said Court.

James R. Carter et al )  
v )  
Part: Harris & H. Abbutt )  
On motion of M<sup>r</sup> Richardson, Solicitor for the Complainants, and by consent of M<sup>r</sup> Blanding Solicitor for the Defendants Ordered that this case be referred again to the Commissioner, and that he do report thereon to the next Court.

Sarah Allen )  
v )  
John Williams Admr )  
of W. Allen )  
On motion of M<sup>r</sup> Hooker Solicitor for the Compt and by consent of M<sup>r</sup> Blanding Solicitor for the Defendant. Ordered that this Case be again referred to the Commissioner, to the next Court in December.

Reuben Harrison et al )  
v )  
Exor. Hubbard Rees )  
On motion of M<sup>r</sup> Ellison solicitor for the Complaint and by consent of M<sup>r</sup> Richardson Solicitor for the Defendant. Ordered that this case be referred to the Commissioner, to report thereon at the next Court.

M<sup>r</sup> Blanding presented the Petition of Isaac Tillman, praying to be appointed GUARDIAN of ELLIE, an infant under the age of twenty one years, who has neither father nor mother alive, and is entitled to a considerable real and personal estate, for the purpose of having the custody of his person, and the care and management of his estate; and the said Isaac and Ely having appeared personally in Court, and the Eli having

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148 chosen, and the said Isaac accepted to become Guardian as aforesaid; It is Ordered that the custody of the person, and the care and management of the estate, both real and personal, of the said Eli Lee, be committed to the said Isaac upon his giving the usual security, and that there upon Letters of Guardianship do issue accordingly.

M<sup>r</sup> Blanding presented the Petition of M<sup>rs</sup> Ann Watson praying to be appointed Guardian of her infant Children, James Watson, Richardson Walker Watson, and Hardey Davis Watson, for the purpose of having the custody of their persons, and the care and management of their estates; And upon hearing the said Petition It is Ordered that the custody of the persons, and the care and management of the estates both real and personal, of the said infants be committed to the said Ann, upon her giving the usual security, and that thereupon Letters of Guardianship do issue accordingly.

Allen Magargill & )  
Jane his Wife, & others )  
v )  
Robert Rabb & others )  
On motion of M<sup>r</sup> Nott Complainants Solicitor. Ordered that this case be referred to the Commissioner, to report what amount is due to the Complainants from James Rabb, for the hire & services of Negroes while in the possession of the said James Rabb.

M<sup>r</sup> Blanding presented the Petition of John Johnston praying to be appointed Guardian of Adin Tillman for the purpose of having the custody of the person and the care and management of the estate. Both real and personal of the said infant; And upon hearing the said Petition it is Ordered, that the custody of the person, and the care and management of the estate, both real and personal of the said infant be committed to the said John Johnston, upon his giving the usual security and that thereupon Letters of Guardianship do issue accordingly.

Adjourned till tomorrow morning at 10 O'clock.

THURSDAY FEBRUARY 16<sup>th</sup> 1808

The Court met according to adjournment.

William Lenoir & )  
Hope Lenoir )  
v )  
William Somersall et al )  
The report of the Master in this Case, so far as it respected the interest of Thomas Somersall was received; and the Case argued by the Solicitors on both parts; And the Court took time to consider the Case till to morrow.

Daniel Carter, Complainant

v )  
James R Carter, Robert W Carter, )  
Daniel Carter, Benjamin Carter, )  
John Carter, Isaac Carter, Alexander )  
Carter, Walton Carter, & Anderson )  
Carter Defendants-----)

In this Case the Master submitted the following Report, which was received and confirmed by the Court.

In pursuance of the order of reference made in this Case, at the last sitting of the Court of Equity, in December last, I have proceeded to the enquiry therein directed, and submit the following Report.

1<sup>st</sup> Upon making all necessary enquiry into the matters referred to me, I am clearly of opinion that it will be much for the benefit of the Defendants, that the land mentioned in the said orders, should be sold, and the lands herein after mentioned which I conceive to be of much greater value should be settled on them.

2<sup>nd</sup> That Daniel Carter has given bond in the penalty of Nine thousand dollars with Benjamin Carter Security, for Conveying to the Defendants, in the manner prescribed by the said order, a tract of five hundred acres, situated in the State of Tennessee, on Carters Creek, Waters of Duck river, as soon as the same can be resurveyed and laid out.

3<sup>rd</sup> The said Complainant has made a contract with Elias Whitden, for the sale of the tract of land mentioned in the said order, at the price of four thousand five hundred dollars, which price I approve of, and have therefore made titles of the

THURSDAY FEBRUARY 16<sup>th</sup> 1808

150 same to the said Elias in pursuance of the said Order.

John Harvitt )  
Augustine Williams )  
The Bill and Answer being read, Ordered that the accounts in this Case be referred to the Commissioner, and that he report thereon at the next Court.

John J. Chappell having presented his petition praying to be admitted as a Solicitor in this Court, M<sup>r</sup> Nott, M<sup>r</sup> Blanding and M<sup>r</sup> Hooker, were appointed by the Court to examine him, and he having undergone an examination in open Court, touching his knowledge in that respect, and having taken the Oaths prescribed by law, It is ordered that the prayer of the Petitioner be granted, and that his name be enrolled amongst the Solicitors of this Court.

M<sup>r</sup> Hooker presented the Petition of John Howell, praying to be appointed the Guardian of Sarah T. Howell and Mary Howell, infants. And it appearing to the Court, that Chistian L. Williamson and his wife were formerly appointed by this Court, to be the Guardians of the above entitled infants, & have not yet given the security requisite in such cases, It is ordered that unless the said Chistian L. Williamson & Wife, do give such security in one month from the date hereof, the Commissioner shall issue Letters of Guardianship to the said John Howell, upon his giving the usual security in such cases.

M<sup>r</sup> C. Richardson et al. )  
v )  
Burrell Boykin et al )  
M<sup>r</sup> Blanding represented, that in the Report of the Master made at the last term, relative to the reports of the lands while in possession of John Rutledge and his Representatives, that there was a mistake committed by the Master in estimating the quantity of the land, which from the indisposition of the Master was not then discovered by him, and omitted to be rectified by the Court. It is therefore referred to the Master, to examine whether any such mistake was committed, and to rectify the same, and make





his report accordingly.

Adjourned till to morrow morning at 10 O'clock

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The Court met according to Adjournment.

William & Hope Lenoir }  
v } Decree In this Case; Complainants state  
William Somersall et al } that they have been aggrieved by  
the mode in which interest has  
been calculated on the bond in  
question, and by the execution having been issued for a greater  
sum than the plaintiff at law was entitled to; And they also pray  
that they may be indulged in a credit by the Court, in considera-  
tion of the exigency of time, and the scarcity of money arising  
from the late act of Congress laying the present embargo.

The Court, have looked into the statement accompanying the  
execution, and find that it has been made out agreeably to the  
long established practice under the installment law, of wiping  
off interest in the first instance by the payment made; and there-  
fore they can see no cause of complaint upon this ground.

On the second ground the Court have found that although the  
execution was issued for the penalty of the bond, yet it was ac-  
companied by a statement of the sum actually due upon the same,  
which is also the usual practice; And as to the L46: 4: 7. paid  
& not credited by the Defendants, it is stated by the answer that  
it was a mistake or oversight which the Defendant is willing to  
rectify; so that all the Equity which Complainants can obtain  
upon this charge in their Bill, is to have a credit for that sum,  
at the time it was paid.

As to the application for a credit under the present exigency  
of the times, however this Court might be disposed in a case  
arising under their own proper Jurisdiction, "to model and adapt  
the rules and principles of Justice to the exigencies of the  
times," yet as this cause did not originate with them, and the  
debt is of a very long standing, the Court cannot extend the cred-  
it upon a mere speculation, that the Plaintiff at law, when he  
has it in his power, will oppress the Complainants, it will be  
time enough when such oppression actually takes place to apply  
to the Court for redress.

Therefore let the report of the Commissioner be confirmed,  
the Injunction dissolved, and the

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Complainants pay the Costs of this Suit; and the bill so far as  
it respects Judge Brevard be dismissed.

Foster Moore & Wife }  
v } In this Case the Commissioner made the  
William Wright } following Report. Viz. In pursuance  
of the order made in this Case at the  
last Court, requiring me to cause a  
Sale of the property therein mentioned, I proceeded to make out  
notices to the Defendant and the plaintiffs agent; but, before  
the same could be served, or a sale effected, the Defendant died,  
which prevented any further proceeding from being had in the Case,  
and I submit the same to the further order of this honorable Court.

Ordered that the Commissioner be discharged from the execution  
of the order stated in the foregoing Report.

William Ellison presented the Petition of George White, an Infant  
under the age of twenty one years, and entitled to a considerable  
estate both real and personal, praying that Joseph Doby be appoint-  
ed his Guardian, for the purpose of having the custody of his per-  
son, and the care and management of his estates, and the said  
George having appeared personally in Court, and signified his con-  
sent that Joseph Doby should be appointed his Guardian, but the  
said Joseph Doby being absent; IT IS ORDERED, that the Custody of  
the person, and the care and management of the Estate of the said  
George, both real and personal, be committed to the said Joseph  
Doby, upon his undertaking his acceptance of the Guardianship on  
the back of the said petition, and giving the usual security, and  
that thereupon Letters of Guardianship do issue accordingly.

William Ellison presented the Petition of Joseph Pickle, praying  
to be appointed Guardian to George Motley, Susanna Motley and

Thomas Motley, for the purpose of making titles on the part and  
behalf of the said George, Susanna and Thomas, who are infants un-  
der the age of twenty one years, to a certain tract of land situ-  
ate in Richland near Columbia containing fifty acres, sold by John  
Motley in his

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lifetime to Henry Hernesby, for the sum of four hundred dollars,  
to whom the said John Motley gave his bond to make titles, but  
died without doing so, which said land descended to John Motley,  
James Motley, George Motley, Susanna Motley and Thomas Motley,  
the surviving children and heirs at law, of the said John Motley  
Senior, who are unable to make titles on account of the three last  
mentioned children being under age. It is therefore ORDERED that  
the said Joseph Pickle be appointed as Guardian aforesaid, and  
authorized to sign titles to the said Henry Hernesby, to the lands  
aforesaid, on the part and behalf of the said George Motley, Sus-  
anna Motley and Thomas Motley, on his giving the usual security  
required by law, & that Letters of Guardianship do issue accord-  
ingly.

Allen Magargill et al.s }  
v } The Commissioner having reported in  
Robert Rabb et al.s } this Case, that a certain sum is to  
be accounted for by Robt Rabb to  
the Estate of Tho: Maple for the  
hire of Negroes under the disposal of the said Robert, and the Com-  
plainants having excepted to the said Report, that the Commis-  
sioner did not charge the said Robert with the hire of the negroes  
Jack and Maria, during the time that he suffered them to go into  
the possession of Maygood and John Barker, and the  
Court considering that the said Robert ought to account for the  
hire of the said Negroes, during all the time that the owners  
thereof were deprived of the use of them by the disposal of the  
said Robert. It is ordered that this subject of the said report  
be again referred to the Commissioner, to investigate the same on  
the principle now established by the Court, and that the second  
exception be over-ruled.

William & Hope Lenoir }  
v } Ordered that all the accounts be-  
Thomas Somersall } tween the Complainants & remaining  
Richard Gwyn, --- } Defendants be referred to the Com-  
Richard Winn et al.s } missioner.

Adjourned till to morrow morning at 10 O'clock

THURSDAY FEBRUARY 18.th 1808

The Court met according to adjournment.

On motion of Mr. Nott, Or ered, that a writ of partition do issue  
to Joel Adams, William Weston, Isaac Tucker, Samuel Scott and Wil-  
liam River, requiring them to make partition of the lands and  
person al estate of Abial Croft, between Batachi Weston and Sarah  
his wife, late Sarah Croft, and John Croft and Isaac Croft, ac-  
cording to the Act for abolishing the rights of primogeniture.

Sheppard Pickett et Ux }  
v } On motion of Mr. Nott, Solicitor  
Sam'l & Thomas Starke } for the Comps and by Consent of  
Mr. Blanding Solicitor for the  
Defendants. Ordered that this Case  
be referred to the Commissioner, to report at next Court, in case  
the same be not settled by Arbitration.

James Knox et al.s }  
v } On motion of Mr. Nott Solicitor  
Shepherd Pickett et al.s } for the Comps and by consent of  
Mr. Blanding Solicitor for Defen-  
dants. Ordered that this Case be  
referred to the Commissioner, to report thereon at next Court, in  
case the same be not settled by Arbitration.

Shepherd Pickett et Ux }  
v } On motion of Mr. Nott, Solicitor  
Sam'l & Thomas Starke } for Complainants, and by consent  
of Mr. Blanding Solicitor for De-  
fendants. Ordered that this Case  
be referred to such persons as the parties may hereafter appoint;

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each party appointing two persons, and the other having leave to strike out one, and that the award made by the two persons so appointed, or if they cannot agree, by an umpire chosen by them, be returned to the next Court.

James Knox et al.s )

Shepherd Fickett et al.s )

On motion of M.R. Nett, Solicitor for complainants and by consent of M.R. Landing Solicitor

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For Defendants. Ordered, that this case be referred to such persons as the parties may hereafter appoint, each party appointing two persons, and the other having leave to strike out one; and that the award made by the two persons so appointed, or if they cannot agree, by an umpire chosen by them, be returned to the next Court.

Cornelius W. Vauters et al.s )

W.M. McGrew & Col. T. Taylor )

Whereas it is made to appear to the Court that the said William McGrew is without the limits of this State, so that a subpoena ad Respondendum cannot be served

upon him: IT IS THEREFORE ORDERED, that notice be given agreeably to the Act of assembly in such case made and provided, that the said William McGrew do appear to the Bill filed against him, on or before the first day of October next, or else the said Bill to be taken pro confesso.

William G. Richardson et al.s )

Purwell Boykin et al.s )

Pursuant to the Order made in for this Case, on the 16th Inst. Rents stant, the Commissioner made the following Report. In pursuance of the order made yesterday requiring me to examine my former report in this Case, so far as it respects the rents of the land held by John Rutledge, and to rectify any mistakes made therein, I have proceeded to the enquiry therein directed, and find, upon examining the evidence and plat returned, that a mistake was committed in the quantity of land. I have therefore proceeded to correct the same, and find that the rent of that land, including interest to the time of the sitting of last Court amounts to seven hundred and seventy eight dollars, forty seven cents, as appears by the accounts thereof herewith filed.

Plat annexed

R. L. Champion  
Comr.

Ordered that the above Report be confirmed.

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Harry Irvin )

James Irvin et al.s )

In this Case the Commissioner made the following Report VIZ.

In pursuance of an Order of Sale made in this Case, on the seventh day of December, in the year of our Lord one thousand eight hundred and four, I have caused the real and personal estate of Alexander Irvin to be sold; the personal estate for cash and the real estate on a credit of twelve months the nett amount of which Sales being Six thousand five hundred and thirty three dollars and fifty seven cents, as appears in the statement annexed.

I further report that the whole amount of the purchase money has been received by me, and that the same has been paid over to the parties respectively entitled to the same, as also appears by the statement herewith annexed, and the vouchers ready in Court to be produced.

All which I humbly submit

Ordered that the above Report be confirmed.

R. L. Champion Comr.

Allen Macargill et al.s )

Robert Rabb et al.s )

Thomas Marple's Estate.

It is Ordered that it be referred to the Commissioner to ascertain what sums have been taken from the Estate of John Marple for the benefit of

John Hampton )

Richard Winn et al )

In this Case, which at present comes on upon the separate answer of the Executor of William Lindsay, the Defendant agrees that the Court when Def.t at law, might have had plain and adequate remedy there, and therefore that this Court is ousted of its Jurisdiction.

This is the ground, which is taken in this Court more frequently than any other, and ought always to be disposed of before the merits of a case are travelled into. Let us examine, first.

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whether the Def.t at law could not have made his defence under the Stat: 4th Ann C. 16: Second if not under the Statute, whether he could not, under the act of assembly passed in 1780, commonly called the discount law. On the Statute of Ann, Judge Blackstone observes, that, "on the forfeiture of a bond, or its becoming single, the whole penalty was formerly recoverable," at law but here the Courts of Equity interposed, "and would not permit a man to take more than in conscience he ought; VIZ: his principal interest and expences &c And the like practice having gained some footing in the Courts of law, the Stat: 4 & 5 Ann C. 16 at length enacted, 'in the same spirit of equity' that in case of a bond conditioned for the payment of money, the payment or tender of the principal sum due, with interest and costs, even though the bond be forfeited and a suit commenced thereon, shall be a full satisfaction & discharge".

From the above passage of this learned commentator, it may be fairly inferred, that every remedy which the Def.t at law could now under this Stat. have in Equity, he might also have had on the trial at law, for his words are, that the Stat: enacted in the same spirit of equity &c that is, that the Courts of law having then proceeded in the same line with the Courts of Equity and the benefit of their having the same powers being then seen, the Stat: was provided to give a remedy at law, as ample, and as plain and adequate as could be obtained in equity. Again this Stat: being a remedial one, must have a liberal construction. Now it is enacted by the Stat: "that where an action of debt is brought upon any bond with a condition if the obligor have before the action brought, paid the principal and interest due by the condition, it may be pleaded in bar of such action." And from this, it hath been argued, that the Def.t must have paid the whole interest and principal before he can avail himself of the defence ~~herein~~ provided by the Statute--but we apprehend not, the law must have, and we believe has always had, a liberal construction in the Courts of law, and if any part

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of the principal and interest has been paid, it surely could not with any reason be urged that such part is still due; nor can we see that Defend. could now make his defence against such part as well as against the whole; unless the Courts of law were to determine, that it was more hard for a creditor to be deprived of a part than of his whole demand. But if there were any doubts upon this Statute still upon the broad wording of the discount law, we think there can be none. In that act, it is stated "that in all actions brought against any Def.t it shall be lawful for him, if he have any account, including demand, cause, matter or thing against the plaintiff to give the same in evidence, by way of discount". Now since the testimony of Mr. Ward it cannot be pretended, but that the Def.t at law, had full notice of the receipt in question, and he ought certainly to have informed himself of every defence which he might then have made use of upon the same. But how stands the matter? It appears that he did not make use of a single effort, to avail himself of such a defence, then upon the Stat: of Ann or under the discount law; where evidently he could have given his receipt in evidence, and have availed himself of the verdict of a Jury. So vividly thus non contentibus leges subvertunt. The Court both slept over his rights, until he has awoken from his slumbers by the terrors of an execution; and now, as he was emphatically said, "that being on the brink of destruction" he calls out for the aid of this Court; But, "there is no hand to help him" the Court may be "an eye to pity him" he must abide by the consequences of his own neglect. THEREFORE let the Injunction be dissolved and the Bill so far as it relates to the Executors of Lindsay, be dismissed at Court.s costs.









Luther Smith ) Upon Motion of M.r Richardson de-  
v ) fendants Solicitor, and by consent  
John W.m & Isabella Mayrant ) of M.r Blanding Solicitor for Com-  
 ) plainants. ORDERED that the De-  
 ) fendants have time to answer to  
 ) next Term  
John Quigley by ) Upon Motion of M.r Richardson Solicitor  
his next friend ) for the defendant, and by consent of M.r  
v ) Blanding Solicitor for the Complainant,  
Hugh McMiller ) ORDERED that the defendant have time to  
Exor Thomas Quigley ) the first of May next to file his answer  
 ) in this case

ADJOURNED TILL TO MORROW MORNING 10 O'CLOCK.

TUESDAY 21.st FEBRUARY 1809

THE COURT MET ACCORDING TO ADJOURNMENT

William Parker ) Bill for sale of a Lot  
v ) It being suggested by the Petitioners Solic-  
Hiram Parker ) itor, that the defendant is an Infant under  
 ) the age of 21 years, and James Clarke ap-  
 ) pearing in Court and accepting to become his Guardian.  
IT IS ORDERED that the said James Clark be admitted Guardian for  
the purpose of defending this suit.  
The Bill and answer having been read, IT IS ORDERED that it be  
referred to the Commissioner to report whether it will be for the  
advantage of the defendant that the property mentioned in the  
Bill of Complaint should be sold, and whether the property propos-  
ed to be conveyed to the Defendant by the Complainant is of equal  
value to the property proposed to be sold.

EXPARTE ) PETITION. The petition being read in this case,  
ISAC SMITH ) IT IS ORDERED that the prayer thereof be granted,  
 ) provided the sum expended in the Education of Scar-  
 ) bore Rumbert do not exceed two hundred dollars P annum, and that  
 ) a separate account thereof be kept, as the same exceeds his share  
 ) of the income of the Estate

FEBRUARY 21.st 1809

EXPARTE )  
JOSEPH ENGLISH ) PETITION for Writ de Lunatico Enquirendo.

The Petition and affidavit accompanying it having  
been read, IT IS ORDERED on motion of M.r Blanding Solicitor for  
the Petitioner that a writ in nature of a Writ de Lunatico Enquire-  
ndo do issue directed to Thomas Hopkins, James English, William  
Cuphill, Thomas Watts, & William Watts requiring them to enquire  
of the Lunacy of William Fitzpatrick; and that the said Commis-  
sioners do make their return to the said writ to the Court of Equity  
for the district of Columbia.

Joseph H Howell & wife ) The Bill and Demurrers read, and the  
v ) Arguments of Counsel heard thereon.  
Admor D. Carpenter et al ) IT IS ORDERED that the demurrer as it  
 ) relates to the first Bond in which  
Langley and Blanchard were jointly Security be sustained on the  
first & third grounds made in the said demurrer- and that as far  
as it respects the second Bond in which M.r Blanchard was securi-  
ty, the same be sustained on the third ground made in the said  
demurrer- with Costs.

William Parker ) Bill for the sale of a Lot in Camden.  
v )  
Hiram Parker ) The Commissioner submitted the following  
 ) Report.

The Commissioner in pursuance of the order  
so referred in this case has examined and considered the matters  
so referred and Reports that it will be for the benefit and ad-  
vantage of the defendant that the Town Lot mentioned in the Bill  
of Complaint should be sold, provided that the Complainant as  
proposed by him shall convey to the Defendant a Moiety or one  
half the Lot and improvements on Broad Street whereon the Com-  
plainant resides, which property is of greater value than the  
Lot mentioned in the Bill  
B. Bingham, Com.r

FEBRUARY 21.st 1809

ORDERED that the Report be confirmed, and that the said Lot be  
sold on the Complainants complying with the Terms stated in the  
report.

Leuben Harrison & al.) On Motion of M.r Ellison Complainants  
v ) Solicitor, Ordered that the above case  
Exors Hubbard Rees ) be referred to the Commissioner to report  
 ) thereon by the next Court.

EXPARTE ) PETITION to substitute as Settlement made  
William James ) the 16.th day of December 1805, between  
Thomas Ford ) Thomas Ford, Mary Walker, William D. Walker  
Mary Ford ) and Mary Walker Trustees; in place of a  
William D. Walker ) Marriage Settlement made the 15.th day of  
 ) for himself and next ) May 1797. Between Richard Charles Walker  
friend to Helen Walker) and William James, for the benefit of Helen  
Walker a Minor.

On Motion of M.r Richardson Solicitor for the Petition-  
ers ORDERED that this petition be referred to the Commissioner to  
report whether such Substitution will be beneficial to Helen Walker  
the Minor.

ADJOURNED TILL TOMORROW MORNING 9 O'CLOCK

WEDNESDAY FEBRUARY 22.nd 1809

THE COURT MET ACCORDING TO ADJOURNMENT.

EXPARTE )  
William James ) The Commissioner submitted a Report, recom-  
Thomas Ford & al ) mending that the substitution prayed for by  
 ) the Petitioners be granted, which being read  
 ) and rejected, IT IS ORDERED by the Court that  
 ) the substitution shall not be granted.

FEBRUARY 22.nd 1809

EXPARTE )  
JOSIAH PERRY ) PETITION to be appointed Guardian of L. Lee.  
 ) Isaac Tillman who was appointed Guardian of L. Leaser  
Lee at the last Court having declined acting as such, and never  
having taken out Letters of Guardianship, and Josiah Perry having  
Petitioned to be appointed Guardian of said Leaser Lee for the  
purpose of having the care and Management of his person and Estate.  
IT IS ORDERED on Motion of M.r Blanding Solicitor for Petitioner  
that Letters of Guardianship do accordingly issue on his giving  
Bond and Security in the sum of Four thousand Dollars to be approv-  
ed by the Commissioner.

William & George Cater ) The Petition and demurrer read, and Argu-  
Vs ) ment of Counsel heard thereon, IT IS OR-  
Thomas & Ann Eveleigh ) DERED that the demurrer be overruled, and  
 ) that the defendants put in their answers  
by the first of May next.

On Motion of M.r Matlis it is ORDERED that the name of George Cat-  
er be struck out of the Petition in this case.

EXPARTE ) On hearing the Petition and affidavits attending  
WILLIAM PAYNE ) this case, ORDERED that a Commission in nature of  
 ) a Writ de Lunatico Enquirendo do issue to Arche-  
laus Watkins Arthur Collins, Ross Dukes, Samuel Watkins, and  
Isaac Ross, to enquire of the Lunacy of Judith Dougherty.

ADJOURNED.

JUNE 19.th 1809

At a Court of Equity begun and holden at Hers at Court-house  
for the District of Garden on Monday the 19.th day of June 1809  
PRESENT.

The Honorable William James Esquire, one of the Judges of the  
Courts of Equity.

EXPARTE ) M.r Richardson presented the petition of  
Thomas W. Langstaff ) Thomas Warren Langstaff and of Sarah W.  
Sarah & W Sanders ) Sanders and William Sanders Junior, pray-  
 ) ing that the said Sarah W. Sanders and  
William Sanders Jun. be appointed GUARDIANS of the person and Es-  
tate of the said Thomas W. Langstaff an Infant, upon hearing where-  
of IT IS ORDERED That the custody of the person and the care and  
management of the Estate both real and personal of the said Infant  
be committed to the said Sarah W. Sanders and William Sanders, up-  
on their giving Bond and the usual security, and thereupon Letters  
of Guardianship issue accordingly.





MS EXPARTE ) M.R Richardson presented the petition of  
MARY E. LANCASTAFF ) Mary Elizabeth Lancstaff and of Sarah W  
SARAH & W.M SANDERS) Sanders and William Sanders Junior praying  
that the said Sarah W Sanders & William  
Sanders Jun be appointed Guardians of the person and Estate of  
the said Mary E Lancstaff an Infant, upon hearing whereof IT IS  
ORDERED that the Custody of the person and the care and manage-  
ment of the Estate both real & personal of the said Infant be  
committed to the said Sarah W. Sanders and William Sanders Jun.  
upon their giving Bond and the usual Security, and thereupon  
Letters of Guardianship issue accordingly.

169 JUNE 19.th 1809  
Robert F. Withers ) Motion for prohibition.  
Vs )  
The Commissioners of the ) The suggestion and papers read, and  
Roads for Claremont ) the Arguments of Mr Blanding heard  
further hearing postponed.

ADJOURNED TILL TOMORROW MORNING

TUESDAY 20.th JUNE 1809

THE COURT MET ACCORDING TO ADJOURNMENT.

John B. Anderson ) Return to Writ of Partition.  
Ads )  
Philip M Anderson ) The return having been made by the Commis-  
sioners On Motion of M.R Blanding, ORDERED  
that the Complainant have till the rising  
of the next Court to submit a Motion for the Confirmation of it.

EXPARTE ) PETITION for the Sale of a House & Lot in  
CHARLES SPANN JUN. ) Statchburg. The Commissioner submitted the  
ADAMOR R. STAMPER ) following Report.  
The Commissioner Reports that in pursuance  
of an order and Decree of the Court made in the above case the  
20.th February last, he duly advertised the Lot and appurtenances  
so ordered and Decreed for Sale, and on Monday the third day of  
April last, proceeded to sell the same at public outcry, at which  
sale Charles Spann Jun. became the purchaser at the price or sum  
of five hundred Dollars. That Titles have accordingly been Exe-  
cuted and delivered to him, and his receipt taken for the Net  
Amount of sales. all which is humbly submitted.

Benjamin Bineham Com.t  
ORDERED that the above Report be filed & Confirmed.

170 JUNE 20.th 1809  
William & Hope Lenoir ) The following REPORT of the Commissioner  
Vs ) was submitted.  
Richard Winn ) In pursuance of an order of reference in  
the above case I have proceeded to an exam-  
ination of the Defendants accounts as Administrator of Thomas  
Baker, and find a balance of seven hundred and fifty three pounds  
nine shillings and four pence, including Interest to this date,  
in the hands of the Defendant General Richard Winn, which ought  
to be paid over to the Complainants.

Benjamin Bineham, Com.r  
To the above Report Exceptions were taken by the Complainant  
& Defendants Solicitors, which were argued. ON MOTION of M.R Mathis,  
and with the consent of M.R Blanding, ORDERED that M.R Blanding  
be substituted as Complainants Solicitor in the room of M.R Mathis  
in the above case.

Sarah Allen ) On Motion of M.R Michalrdaon.  
Vs )  
John Williams ) Ordered that the Bill in this case be dismissed  
at the Complainants Costs

John Carter et al ) Archibald Minson sworn, deposes that he is  
Vs ) well acquainted with Barton Harris the defend-  
Harris & Abbott ) ant in this case. That witness employed him  
in 1790 to work, but he did not Continue long  
with him as he did not answer the purpose for which witness hired  
him. He then went into the employ of one Cannon and worked with  
him till about the last of August or first of September when he  
was again hired by the witness and worked with him Rafting, & was

discharged about the first of October. In the year 1789 the said  
Barton Harris worked at James Howards and made a Crop there.

JUNE 20.th 1809 171  
Witness was acquainted with John Harris, and considered him  
a strong, active man, capable of making a support by his labor.  
X.d Does not know when John Harris died, or whether he retained  
his strength and activity to the latter part of his life.

Ex. Hawkins ) On Motion of M.R Blanding Complainants  
Vs ) Solicitor, ORDERED that this case stand over,  
Tho. Sumter & al) with leave to amend the Bill by adding p rices.

ADJOURNED TILL TOMORROW 10 O'CLOCK.

WEDNESDAY 21.st JUNE 1809

THE COURT MET ACCORDING TO ADJOURNMENT.

EXPARTE ) PETITION for Commission in nature of a Writ de  
William Paine ) Lunatic Enquirendo.  
The Commission issued in this case having been return-  
ed by the Commissioners declaring Judith Dougherty a Lunatic, but  
being now discovered that her dwelling House is in Columbia Dis-  
trict, IT IS ORDERED that the said Return be made to the Court of  
Equity for Columbia District.

Austin F. Feay ) The following Report of the Commissioner  
Vs ) was submitted.  
Philemon Starke ) The Commissioner of this Court REPORTS.  
& Margaret his Wife) That in pursuance of the Order and  
Decree of the Court made on the 30.th day of July 1808

the Commissioner founded there-  
on dated the 30.th day of July 1808 Austin Ford Feay the Com-  
plainant in this case did duly advertise the lands so ordered and  
Decreed to be sold and on the first Tuesday in September last, be-  
ing the 6.th day of that Month, proceeded to sell the same upon  
the Terms prescribed by the aforesaid order & Decree That Jackey  
Ferry became the purchaser of the said

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lands at the price of Two thousand one hundred Dollars, which  
sum will not fully satisfy the Complainants demand and the Costs  
and charges of this Suit Benjamin Bineham, Com  
20.th June 1809

ON MOTION of Mt Blanding Compls Solicitor,  
ORDERED, that the foregoing report be filed and Confirmed

Lovick Rochelle ) The Injunction in this case having been made  
Vs ) perpetual by an order of this Court the 17.th  
James Holmes ) February 1806. On Motion of M.R Mott it is  
ORDERED that the Injunction Bond in this case  
be Cancelled.

John Carter et al.) By consent ORDERED that the name of Henry  
Vs ) Abbott be struck out of the Bill in this  
Barton Harris & ) case.  
Henry Abbott ) The Bill Answer & Exhibits read.

Henry Abbott sworn- Says that he received payment  
from Barton Harris for the Abbott tract of land. The amount  
received was about eighty pounds, which was paid in Notes  
taken at the Sale of John Harris's Estate as witness be-  
lieves- Was acquainted with John Harris and his family- be-  
lieves M.R -inkins about 30. Mrs Brown about 25 and M.R  
Carter about 20 years of age. John Harris was an elderly  
man and did not pretend to work much. X.d Is not positive  
as to the ages of John Harris's daughter. Nor does he recol-  
lect distinctly how or from whom he received the impression  
that the Notes received in payment for the land were given  
for purchases at the sale of John Harris's Estate. Some of  
the Notes were on persons who purchased at the Sale of  
that Estate.

The Evidence taken before the Commissioner was read, and  
the arguments of Counsel heard



173 JUNE 21.st 1809  
 Feuben Harrison et al ) Ellison The Bill and Answer in this  
 Vs ) case read.  
 Exors Hubbard Rees ) Richardson  
 ORDERED that the Examination of General  
 Zachariah Cantey be taken in chief before the Commissioner.  
 and that this case be again referred to the Commissioner to re-  
 port to the next Court.  
 Alexander Barnsides et al ) On Motion of M.r Blanding  
 Vs ) ORDERED that this case be referred  
 Joseph McAdams & wife ) to the Commissioner.  
 William Simms ) On Motion of M.r Richardson Complainants  
 Vs ) Solicitor ORDERED to stand over.  
 Dunn & Douglas )

ADJURNED TILL TO MORROW 10 O'CLOCK.

THURSDAY 22.nd JUNE 1809.

THE COURT MET ACCORDING TO ADJOURNMENT.

William Parker ) Bill for the Sale of a Lot in Camden.  
 Vs ) The following report was submitted.  
 Hiram Parker ) The Commissioner REPORTS that in obe-  
 dience to an order and decree of this Court  
 made in the above case the 21.st day of February last, he has re-  
 ceived from the Complainant William Parker his Title duly execut-  
 ed to Hiram Parker the Defendant for one half the Lot and im-  
 provements thereon known in the plan of the Town by the number  
 184. being the Lot on Broad Street whereon Complainant resides,  
 which Title has been duly recorded. That he has conveyed to  
 Francis S. Lee by direction of the Complainant the Lot mentioned  
 in the Bill and so ordered to be sold  
 22.d June 1809 Benjamin Bineham, Comr  
 On Motion of M.r Blanding ORDERED that the report be  
 filed and confirmed.

174 JUNE 22.nd 1809  
 John Carter & others )  
 Vs ) The Court pronounced the following  
 Barton Harris ) DECREE  
 "IT IS ORDERED and DECREED that upon the  
 Complainants paying up to the defendant one half of the monies  
 laid out by him in paying for the Abbott Tract with Interest, let  
 him make them Titles to their respective portions of the same in  
 right of their wives, and also for the other Lands. and let him  
 pay up their proportions of the Rents and profits of the Whole  
 Lands. and let it be referred to the Commissioner to report the  
 sum to be paid by each respectively, and to approve of said Titles."  
 The Defendant by A. Blanding his Solicitor gave Notice  
 of an Appeal, and had leave to obtain Copies of all nec-  
 essary papers  
 John Quigley, by ) Upon hearing the PETITION and Answer in  
 his next friend ) this case, it is ordered that the Complain-  
 Vs ) ant do recover the Legacy mentioned in the  
 Hugh McAllen ) petition, to be made of the real and personal  
 Exor Thomas Quigley ) Estate of the Testator, and that  
 the defendant do file on oath his Account  
 of the administration of the said Estate with the Commissioner on  
 or before the first of January next, and in case of his failing  
 so to do that he be made liable for any deficiency in his own  
 Estate. This decree not to effect the Rights of Creditors or  
 the Heirs at Law of the Testator.  
 ORDERED that the Defendant be served with a Copy  
 of the above decree at his Courts.

JUNE 22.nd 1809.  
 Lovick Nicholls ) ORDERED that a rule be served on Ab.m Rott  
 V ) Equ. to show cause at the next Court why the  
 James Holmes ) order made in this case the 21.st Inst should  
 not be reversed.

Robert F Withers ) Arguments of Counsel heard further  
 Vs ) hearing postponed.  
 Comrs Road Claremont)

Joseph H Hoell & wife ) The Bill and Answers having been read.  
 V ) The Commissioner submitted the follow-  
 Amor Dan Carpenter ) ing Report. The Commissioner reports  
 a balance due from the Estate of Dan Car-  
 penter to the Estate of William Bond of four hundred and Sixteen  
 pounds Sixteen shillings and seven pence one farthing, with Inter-  
 est thereon from the first day of January 1806 to this date a-  
 mounting to one hundred & one pounds Seven shillings and Eight  
 pence, making in all Five hundred and Eighteen pounds four shill-  
 ings and three pence one farthing.

IT IS ORDERED that the said report be confirmed. But because it  
 appears that the said James Clark administrator aforesaid has no  
 funds in his hands to satisfy the same IT IS ALSO ORDERED that  
 he be discharged from any liability on account of this Demand.  
 And it is further Ordered that the Negro stated in the defendants  
 Exhibit C be sold by the Commissioner on a Credit till

JUNE 22.nd 1809

the first of January next, and that the proceeds thereof be ap-  
 plied to the extinguishment of the sum of Eighty pounds and eight  
 pence, and the balance after payment of Costs to be paid over to  
 the Defendant James Clark to be by him applied in discharge of  
 the Debts of his Intestate which are entitled to a priority. Costs  
 to be paid out of the overplus of the Sale of the Negro (if any  
 after paying the said £80.0.8 of Complainants) in the first in-  
 stance and before the application of any part of the same to pay  
 the demands of the Creditors.

The Bill as to Lydia Carpenter, dismissed with Costs.  
 Adjourned

FEBRUARY 21.st 1810

At a Court of Equity begun and holden at Newsw Court House  
 for the district of Camden on Wednesday the 21.st day of February  
 1810.  
 Present  
 The Honorable William James Esquire one of the Judges of the Courts  
 of Equity.

Exparte. ) M.r Richardson presented the petition of  
 E. Vaughan & others) Elizabeth Vaughan, John Vaughan Severly  
 Vaughan, Robert Vaughan, Vincent Vaughan,  
 Henry Vaughan and Matthew Vaughan, by John B. Vaughan their next  
 friend, praying that their Uncle William Vaughan may be appointed  
 Guardian of the Estate of the said Minors. Upon hearing whereof  
 IT IS ORDERED that the care and management of the Est to both  
 real and personal of the said Minor be committed to the said Wil-  
 liam Vaughan upon his giving Bond and the usual SECURITY, and  
 thereupon Letters of Guardianship issue accordingly.

John Quigley ) On Motion of M.r Richardson  
 V ) ORDERED that this case be docketed. and,  
 Hugh McAllen ) On Motion of M.r Richardson Solicitor for the  
 Exor Thomas Quigley ) defendant and by consent of M.r Blanding  
 Solicitor for the Petitioner ORDERED that  
 the defendants Accounts be referred to the Commissioner to report  
 thereon.

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William Rutledge ) The Bill in this case having been taken  
 & Sarah Rutledge ) pro Confesso, It is ordered that the same  
 Vs ) be referred to the Commissioner, and that he  
 Richard Rutledge ) report on the Accounts involved therein,  
 Exor John Rutledge ) and also that he report the negroes now in  
 the possession of the Defendant subject to  
 Complainants claim.

William & Hope Lenoir ) Amended Bill  
 V ) The Bill in this case having been  
 Richard Wynn ) taken pro Confesso, On Motion of M.r  
 Solicitor for the Defendant it IS  
 ORDERED that the order that the Bill be taken pro Confesso be





set aside upon the defendants filing a full and perfect answer to the Bill on or before the first day of the next Court- and that the parties have leave in the mean time to examine all Witnesses in chief.

Douglas Starke ) Bill for a reconveyance.  
V ) The defendant Rebecca Broom being an In-  
Zachariah Cantey ) fant under the age of 14 years. IT IS OR-  
Sarah Cantey and ) DERED that Francis S. Lee who accepts  
Rebecca Broom ) the said appointment, be appointed Guard-  
ian ad litem. On Motion of M<sup>r</sup>. Deas Solic-  
itor for the defendants, and by consent of  
M<sup>r</sup>. Blanding Solicitor for Complainant, ORDERED that the Answer of the defendant Sarah Cantey be taken without oath.

Pierce Butler )  
V ) Bill  
Charles Polk ) Whereas it appears to the satisfaction of  
the Court that the defendant is without the  
limits of this State, IT IS ORDERED that the

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said defendant do appear in the Court of Equity at Marshaw Court house on the third Monday of June next, and appear and plead Answer or demur to said Bill and in case of his failing to appear as aforesaid, and plead answer or demur within said time, the Bill will be taken pro Confesso, and the Court will make such order or decree thereon as to them shall appear just and equitable.

ADJOURNED TILL TOMORROW MORNING

THURSDAY 22<sup>nd</sup> FEBRUARY 1810

THE COURT MET ACCORDING TO ADJOURNMENT

Lovick Rochelle )  
V. ) Rule to shew cause.  
James Holmes ) ORDERED that the order made at the last  
Court requiring Abraham Rott to shew cause  
why the order made for cancelling the Injunction Bond should not  
be reversed, be rescinded, and that the said Bond be cancelled  
pursuant to the first order.

John Carter & others ) The Commissioner submitted the following  
V ) Report.  
Barton Harris ) The Commissioner reports that in pursuance  
of the Decree and order of this Court he  
has been attended by the parties and their Solicitors and proceed-  
ed to ascertain the Rents and profits of the Land decreed to the  
Complainants, and also the Amount chargeable to the Complainants  
of the Monies paid by the defendant for the Abbott Tract of Land-  
That one half the Rents and profits of the Lands to which Com-  
plainants are entitled including Interest up to the present time,  
amounts to one hundred and Ninety nine dollars Seventy Seven  
Cents-

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That one half the payment for the Abbott Tract for which defend-  
ant is entitled to a Credit, including Interest thereon up to  
this time, amounts to Three hundred and Fifty five dollars and  
80 Cents- leaving a balance in favor of the defendant of One hun-  
dred and fifty Six dollars and three Cents- as will more fully  
appear by the Statement and Account Current hereunto annexed.  
All which is humbly submitted.  
20 February 1810

Benjamin Bineham, Com  
ORDERED that the Report be filed and Confirmed

Exparte, ) M<sup>r</sup>. Levy presented the petition of Robert  
Robert Coleman ) Coleman praying to be appointed Guardian of  
his Nephew Richard Coleman and his Wife  
Louisa Coleman, Infants under the age of 14 years. Upon hear-  
ing whereof,  
IT IS ORDERED that the Custody of the persons & care and Manage-  
ment of the Estates of the said Richard Coleman and Louisa Cole-  
man Infants, be committed to the said Robert Coleman upon his

giving Bond and the usual Security, and thereupon Letters of  
Guardianship issue accordingly.

Exparte ) Petition to be appointed Guardian of William Rut-  
George Perry ) ledge and Sarah Rutledge.

On hearing the Petition in this case, and it not  
appearing to the Court that the Mother of the Infants had given  
her Consent to the appointment of the Petitioner as Guardian of  
her Children, but it appearing that it was necessary that an im-  
mediate appointment should be made to preserve the property of  
the Infants, and that to delay that appointment

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will next Court would be equally injurious to them.  
It is therefore ordered that the said George Perry be appointed  
Guardian of the said Infants with power to take charge of their  
Estates upon his giving the usual Security, but it is also or-  
dered that this appointment cease from and after the next sitting  
of this Court unless the said George procures the assent of the  
Mother to this appointment.

Luther Smith ) On Motion of M<sup>r</sup>. Blanding Solicitor for Peti-  
V ) tion ORDERED to be referred to the Commis-  
John Mayrant & al ) sioner.

Reuben Harrison & al ) ORDERED to stand over on Account of the  
V ) discovery of New Evidence by the defend-  
Eriz Hubbard Rees ) ant.

Adjourned till tomorrow morning

FRIDAY 23<sup>rd</sup> FEBRUARY 1810

THE COURT MET ACCORDING TO ADJOURNMENT.

Duncan McRa ) On Motion of M<sup>r</sup>. Blanding Solicitor for  
Zachariah Cantey ) for the Complainants and by Consent of  
& Robert Henry ) M<sup>r</sup>. Rudolph, ORDERED that it be referred  
V. ) to the Commissioner to report the bal-  
Sebulon Rudolph ) ance due on the decree in this case, and  
Admir Thomas Broom ) whether the monies raised by the Sales  
of the Mills belonging to the said Estate,  
the payments made by the Defendant, the  
Sums received by the Complainants on any outstanding Debts of the  
Concerns of Thomas Broom or Cantey Broom & Company, exceeds that  
balance.

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Douglas Starke ) Bill for reconveying Lands.  
V )  
Zachariah Cantey ) The Bill and Answers having been read and  
Sarah Cantey and ) Considered, and it appearing to the Court  
Rebecca Broom ) that the Titles made by the Complainant  
Douglas Starke to Samuel Boykin, and to abso-  
lute in their Terms were intended as a mere security in Nature of  
a Mortgage, and that the defendants ought to recover the Lands  
mentioned in the said Bill to the Complainant, and that it be re-  
ferred to the Commissioner to approve of the Titles, and also to  
report a Statement of the Accounts between the said Complainant & de-  
fendants as heirs of the said Samuel Boykin, giving to the defend-  
ant Rebecca Broom day to shew cause against this Decree for Six  
Months and a day after she shall arrive to the age of twenty one  
years.

Philip W. Anderson )  
V ) Bill for a Partition.  
John R. Anderson ) On Motion of M<sup>r</sup>. Blanding,  
It is ORDERED that the return made in this  
case be confirmed.

Alexander Burnside et al )  
V ) The Court pronounced the following  
Joseph Adams & wife ) DECREE.  
Let the defendant Adams pay over to Complain-  
ants one hundred pounds the Amount Sales of the Estate of Burn-  
sides, and Interest thereon



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during the administration of Coffee and until his death. and let it be referred to the Commissioner to ascertain the Amount of said Interest.

The Commissioner submitted the following report. The Commissioner reports that the amount Sales of Joseph Burnside's Estate as decreed by the Court with Interest from the first of January 1791 to the first of March 1806 amounts to Eight hundred and Eighty one dollars and seven Cents.

Benjamin Bineham, Com.r  
The Commissioner having reported the sum of Eight hundred and Eighty one dollars and seven Cents as due from the Estate of the defendants testator to the Complainants, IT IS ORDERED that the said report be confirmed, and that the Complainants do recover the same with Costs from the said Estate in the hands of the Defendants.

William Rutledge ) The defendant R. Rutledge Sworn. deposes  
Sarah Rutledge ) That the Amount of John Rutledge Jun. to  
v ) John Rutledge Sen.r amounting to \$50.14.6  
Richard Rutledge ) has been about one half paid by Witness.  
Exor John Rutledge ) He has applied the sales of the Cotton  
and the personal Estate of his testator  
to the payment of Debts of the Estate. of John Rutledge Jun.  
deponent purchased a Negro at Sales of Edwards property on an  
execution in favor of his Testators Estate. The Negro and Ware  
purchased at Edwards Sale amounted to \$304. deponent did formerly  
say that the Negro Girl bought at Edwards's Sale was intended  
for Complainant Sarah Rutledge, but acknowledges he has since  
sold said Negro.

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The Commissioner submitted the following Reports in the above Case.

The Commissioner Reports that upon examination of the Amounts of Richard Rutledge as Executor of John Rutledge he finds a balance due the Estate including Interest up to this date of Five hundred and forty four dollars and Eighty Six Cents.

B. Bineham, Com.r  
The Commissioner Reports that upon investigation he finds that there are Three Negroes, Sarah and her two Children in the possession of the Defendant which are the property of the Complainant William Rutledge. And that the defendant is Indebted to said Complainant in the Sum of Three hundred and Six dollars and ten Cents including Interest up to this time for the hire and services of the Negro Sarah.

Benjamin Bineham, Com.

ORDERED that the foregoing Reports be filed  
and Confirmed.

THE COURT PRONOUNCED THE FOLLOWING DECREE.

IT IS ORDERED and DECREED that the said Richard do deliver immediately to the Guardian of the said William the said three Negroes, and that the said William do recover against the said Richard the said Sum of Three hundred and Six dollars, and ten Cents with Interest from this date till paid. And that the said William and Sarah do recover against the said Richard the said sum of five hundred and forty four dollars and Eighty Six Cents with Interest from this date till paid, and the Costs of Suit. And that the said Richard

FEBRUARY 23<sup>rd</sup> 1810

do pay to the Guardian of the said William the said sum of Three hundred and Six dollars ten Cents and to the Commissioner of this Court the said Sum of five hundred and forty four dollars and eighty Six Cents. The said last mentioned Sum to remain in the hands of the Commissioner until the determination of a Suit now brought by Isaac Rutledge Executor of John Rutledge Sen. deceased against the Defendant as Executor of John Rutledge Jun. deceased, and that the same be subject to payment of what may be recovered in that Suit. And it is further ordered that the Complainants shall not be liable to pay any sum covered in that suit unless they are permitted to make a full defence to the same. And it is further ordered that in case the defendant shall in one Month give good personal Security to be approved by the Commissioner to pay the said several sums of money with Interest on or before

the first day of January next, indulgence be granted to him for such payment until that time, he paying the Costs.

Sarah Allen ) ON MOTION of Mr Levy ORDERED that the defendant  
v ) show cause at the next Court why this case should  
John Williams ) not be reinstated on the docket

ADJOURNED.

JUNE 18<sup>th</sup> 1810

At a Court of Equity begun and holden at the Court house in and for Garden district on Monday the 18<sup>th</sup> June 1810.

Present.

The Honorable Henry William DeSaussure Esquire one of the Judges of the Courts of Equity.

Henry William DeSaussure Esquire presented to the Court a Commission constituting and appointing him one of the Judges of this Court, which was read, and is as follows:-

"State of South Carolina By His Excellency John Drayton Governor and Commander in chief in and over the State aforesaid. To Henry William DeSaussure Esquire. WHEREAS the Senate and House of Representatives on the Sixteenth day of December in the year of our Lord one thousand eight hundred and Eight duly elected you the said Henry William DeSaussure Esquire one of the Judges of the Court of Equity of the State aforesaid- Now be it known that in pursuance of the said election I have Commissioned and by these presents do commission you the said Henry William DeSaussure Esquire as one of the Judges- together with all the powers rights and privileges thereunto belonging. This Commission shall continue in force during good behavior. Given under my hand and the seal of the State at Columbia this Seventeenth day of December one thousand eight hundred and Eight and in the thirty third year of the Independence of the United States of America. John Drayton- By the Governor, Stephen Lee, Secretary of State."

"I do hereby certify that on this 17<sup>th</sup> day of December 1808. The Honorable Henry William DeSaussure has duly qualified on this appointment as Judge of the Court of Equity; that he has taken the oath prescribed by the Act for establishing a Court of Chancery, and also the oath prescribed in the Constitution of this State. John Drayton."

JUNE 18<sup>th</sup> 1810

William Hope Lenoir ) Bill for discovery and relief.  
v )

Richard Winn & Henry ) On Motion of Mr Blanding Solicitor for  
Hunter (Admors Tho. Baker) ) the Complainants and by consent of Mr  
Nott Solicitor for the defendant,

ORDERED that the Accounts in this case be referred to the Commissioner to report thereon.

EXAMINE ) Petition for the appointment of a Guardian for  
GEORGE PERRY ) William Rutledge and Sarah Rutledge.

Elsey Edwards the Mother of the Infants having appeared in Court and consented that George Perry be Guardian of her Children, IT IS ORDERED that the appointment of the said George as their Guardian made at the last Court be Confirmed, and that it be referred to the Commissioner to report what annual sum it is proper should be expended in the maintenance and Education of the said Infants and also the most prudent mode of having out the funds of the Infants so as to render the same most productive.

ADJOURNED TILL TOMORROW MORNING 10 O'CLOCK.

TUESDAY 19 JUNE 1810

THE COURT MET ACCORDING TO ADJOURNMENT.

Pierce Butler Esq. ) On Motion of Mr Nott  
v ) ORDERED that the above cause be referred  
Charles Folk Esq. ) to the Commissioner to report the sum  
due thereon.

JOHN ADAMSON ) PETITION  
JOHN ADAMSON ) Upon hearing the Petition in this case IT IS  
ORDERED that he Accounts of William Adamson





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W & H Lenoir V Richard Winn & al)	Bill and answer read, and the following report of the Commissioner was submitted.
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B. Birmingham, Calif.

1st Because the Commissioner had not allowed the defendant Gen.1 Winn the payments made to Bond Creditors, and also the sum retained on the Bond due to himself.

2.nd Because the Commissioner made the said Gen. R. Winn liable for monies received b his Co-administrator Hunter which never came to his hands.

3.rd Because the Commissioner allowed Interest on the sum reported to be due to the Complainants.

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JUNE 19.th 1870

The foregoing exceptions were argued, and the following Decree of the Court pronounced:

This case came on upon the Commissioners report and Exceptions thereto. In the argument of this case the counsel took a much wider range than the questions made by the report and exceptions, and it was contended that General Winn the principal acting administrator did not know at the time of Bakers death that the debt to J. C. Smith was the proper debt of Baker alone to which Mr. Leclair was only Security; and that there has been great lacke in the Leclairs in not pursuing their claim for redress, during which Gen. Winn had applied the assets of the Estate to pay other Bond Creditors, and especially some of the debts due to himself, and it was further contended that Leclair only being Security for Baker his representatives even if they had paid the debt, would not recover as Judgment Creditors on the ground of Judgment having been obtained against Baker by the original Creditor, but could recover only as simple Contract Creditors for money laid out and expended, and that tho' the original Creditor might have called Gen. Winn as administrator of Baker to account for a misapplication of the funds of Baker, the security could not, at least not to the same extent and with the same effect as the Creditor might have done. Before we consider the Commissioners report and the Exceptions to it, it is proper to examine and decide upon these questions made by the counsel, on examining the answer of General Winn it appears that he does admit that the debt to J. C. Smith was the proper debt of Baker alone. It is true he does not state when he came to that knowledge, but he does not allege that he had made any appropriation of the assets of Mr. Baker before he came to the knowledge of that fact, which he certainly could have done if the fact had

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had warranted his doing so. But if the fact had been so it would not have made any difference in this case, for it was a judgment debt which the administrator was bound to notice, and he could not legally or justly apply any part of the assets of the estate of Baker to the payment of bond debt or any other of inferior degree until this judgment debt was totally paid off.

Now does there appear to have been any blameable lack on the part of the representatives of the Security Mr Lenoir. It is alleged that if they had insisted on the principal pursuing his demand against Bakera estate more vigorously the Security might have been relieved, if their remonstrance had not been attended to. This is true, but it does not follow that because the security did not seek relief from the debt by insisting on the Creditors pursuing the principal debtor with vigor, that the Security loses his claim to be protected and reimbursed if he should be ultimately made liable to pay the debt. It would be a very harsh doctrine and it comes with a very ill grace from the principal whose estate has been favored. But it is insisted that the Security is not entitled to take the high ground of the original Creditor who had the Bond and Judgment and must come in as a more simple Contract Creditor; In many cases if this doctrine prevailed the greatest injustice would be done, and Securities would be wholly ruined by their kindness and confidence in their principal for whom they had consented to be bound. In this particular case the innocent and helpless children of Mr Lenoir the Security would be deeply injured by such a doctrine. It is indeed true that this is the doctrine at Law, the narrow rules and modes of proceeding in that Court prevent the Judges therefrom giving the relief which they would be inclined to do. Hence the necessity of the interposition of this

JUNE 19.th 1810

Court, which being entrusted with larger powers and a wider range of authority is bound to exercise it to prevent so great an injustice as would result from the narrow legal doctrine, and this Court has long exercised this power to promote the purpose of Justice, and has gone much farther than this case. In Burrower v. Brown Vs. Neumann Admr of Carnes decided in 1924 the Court laid down the rule in the broadest extent Burrower v. Brown & Carnes were Securities for Banks in a large Bond to Harrington on which Judgment has been obtained against them all Banks was utterly insolvent Burrower & Brown paid large sums on the debt. Carnes paid nothing and died leaving a good deal of property, but not enough to pay all his debts. Neumann to whom Carnes was indebted on Bond as Security for Banks, administered on Carnes' estate, and finding that Burrower & Brown had paid off almost all the debt to Harrington, he paid off the small balance on the Judgment in order to get satisfaction entered by the Auditor on the Judgment - then he retained the remaining funds of Carnes to pay himself the Bond debt due him. Burroughs & Brown filed their Bill to set up their Judgment at Law notwithstanding the satisfaction entered on it, and to compel the administrator of Carnes to pay his proportion of the debt before he should be allowed to retain what was due to him on his Bond and the Court on full consideration gave the relief prayed for. This case is much stronger than the one now before the Court, inasmuch as the relief was given to Securities against a Co-Security and not merely against a principal, and to give the relief it was necessary to revive a Judgment on which a satisfaction has been regularly entered in order to let in the Securities to the benefit of that Judgment and secure them a priority under its protecting wing. I feel myself bound then by the principles of Equity and by the decided Cases to give the relief demanded and to support the claim of the Complainants in this Case. I must therefore confirm the Commissioners report and agree with him in overruling the first Exception made by the defendants Counsel

19. Feb 1810

The Second Exception is more embarrassing. In many cases the Law makes Co-administrators liable for the acts of each other as for their joint acts and it is generally true to believe that Gen. Winn the Co-administrator of the latter had acted in goodly in this transaction. I should make it liable. But there is no proof that he has acted in that manner. The sale was made under the Authority of the Court. Neither the Co-administrator purchased at the Sales as he had a right to do and soon afterwards and before the money was due he went off the State and carried off the property with him. There is no evidence as to induce the belief that Gen. Winn was privy to this improper conduct of his Co-administrator, and the Court will not present it and the interval between the purchase and his going off seems to have been so short that it would not be reasonable to impute a role to Gen. Winn in not having collected the money due by the latter to the estate; especially



as his Co administrator had as much right to keep the money in his own hand for the use of the Estate as Gen. Winn. I feel myself therefore bound to support the second Exception.

We come now to the consideration of the third exception which relates to the allowance of interest to be paid by Gen. Winn on the /s/ received by him and applicable to the purposes of the Estate. Upon this question I have no doubt. Gen Winn should have applied the assets as soon as possible to the payment of the debt to the public, and to the debt to J. C. Smith. not having done so he had the use of them, and he is bound in conscience to pay interest thereon. The Commissioners opinion overruling the third Exception is therefore confirmed.

Let it therefore be referred back to the Commissioner to State the Amount conformably to the principles of this decree. The following Report of the Commissioner, amended pursuant to the direction of the foregoing DECREE was Submitted.

I have proceeded to an examination of the matters of amount in this case and find. That upon charging the defendant Richard Winn with the proceeds of the Estate of Thomas Baker which came into his hands and deducting therefore the amount of the debt due the public, with interest, and a payment made on J. C. Smiths Judgment, there remains in his hands a balance including interest up to this date of Three Thousand five hundred and fifty Eight Dollars, Nineteen Cents.

That upon charging the Defendant, Henry Hunter with the amount

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of his purchases at the Sale of the Personal Estate of Thomas Baker, and calculating interest thereon to the present time, the same will amount to Sixteen hundred and Eighty five dollars seventy eight Cents.

That the balance due on the Judgment in favor of J. C. Smith as established his former decree of this Court with interest calculated thereon to this date, amounts to Five Thousand three hundred and Sixty three dollars. Seventeen Cents.

Benjamin Bineham, Commissioner

ORDERED that that the above report be filed & Confirmed. IT IS THEREUPON ORDERED and DECREED that the Complainants to recover against Richard Winn the sum of Three Thousand five hundred and fifty dollars 19 Cents and against the said Henry Hunter the sum of Sixteen hundred and Eighty five dollars 78 Cents. R. Harrison & al ) Blanding Bill and answer read.  
v ) and argument of Counsel heard  
Exor Hubbard Rees ) Richardson thereon.

ADJOURNED TILL MONDAY MORNING 10 O'CLOCK.

WEDNESDAY 20 JUNE 1810

THE COURT MET ACCORDING TO ADJOURNMENT

Admors Charles Lickett ) Bill for discovery & relief  
vs )  
Jesse Davis & others ) On Motion of Mr Blanding Solicitor for  
that the Amounts in this case be referred to the Commissioner to report thereon. Complainants and by Consent of Mr Levy Solicitor for Defendant ORDERED

Admor Geo. Fairborne ) Motion to Clarise the Bill for want  
v. ) of Equity  
Opry & Tensdales )  
William Nixon ) Motion to discharge Bail on Exceal  
v )  
Francis Richardson ) These two cases argued.

ADJOURNED TILL MONDAY MORNING 10 O'CLOCK.

JUNE 21. st 1810

MONDAY JUNE 21. 1810

THE COURT MET ACCORDING TO ADJOURNMENT.

R Harrison & al. ) The following report of the Commissioner  
v ) was submitted on the trial of this cause.  
Exor Hubbard Rees ) In pursuance of the order of reference in this case the Commissioner has proceeded

to an examination of the matters so referred, and from the Evidence before him REPORT the following facts. 1. st That upon charging the Defendant with the several sums received by his Testator on Sales of Holzendorfs and McCoy's property, and deducting therefrom his own payment of £250. on Smiths Execution, amount of Yedons Judgment, and Sheriff fees incurred, there appears to be a balance in Defendants hands including interest up to this date of £159. 3. 3 applicable to Complainants demand. 2. nd That the Complainants demand with interest thereon up to this date amounts to £566.18.10 from which the foregoing sum being deducted, there remains a balance of £407.15.7 unprovided for. 3. rd T at there appears to be Nine Tracts of Land which were purchased at Sales of Holzendorfs property, subject to Agreement with Complainants, which do not appear to have been sold by the defendants Testator. B. Bineham, Comr

The Defendants Counsel filed the following Exceptions to the above Report. 1. st Because no Commissions or Credit has been allowed for labour & services in the resale of the property of J. Holzendorf. 2. nd Because there is charged to the Defendants Testator the sum of £12. paid to Scarboro Rees and not to Hubbard Rees. 3. rd Because there is allowed to the Complainants interest upon the balance of monies received by Hubbard Rees.

The Court this day pronounced the following DECREE. This case comes on upon the Commissioners Report and Exceptions thereto- which bring the precise questions in dispute before the Court. The Commissioners report in a very clear and distinct manner upon the Agreement of the parties, and makes a Statement founded upon the Evidence furnished by which it appears that there is in the hands of the Executor Mr Long the sum of £159. 3. 3 including interest applicable to the reimbursement of Mr Harrison and Mr Peay under the agreement and that there then remains a balance of £407.15.7 which ought to be paid by the Executor of Mr Rees provided the funds or Estate of Holzendorf in his hands can be made available for so much, which is Uncertain

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The Exceptions do not controvert the principles or the Statements of the Commissioners report but in three Particulars 1. st That no Commissions or Credit have been allowed for labor and services in the resale of the property of John Holzendorf. 2. nd That the sum of £12. paid by Coker to Scarboro Rees and not to Hubbard Rees has been charged to the Estate of the latter. 3. rd That interest has been allowed to the Complainants upon the balance of monies received by H. d. Rees. These Exceptions the Commissioners overruled. Before the Counsel for the defendant argued these exceptions he made a question which tho his good sense would not permit him to press strongly, I am bound to Notice. That is whether the Agreement between Mr Rees and Mr Harrison & Peay was so regularly proved as to enable the Court to make any DECREE on that foundation. Upon this question I have no doubt. It was admitted that the dwelling Houses of Mr Harrison and Mr Peay have been burnt the presumption of the loss of papers arising from that misfortune lets in the Complainants to perol Evidence of the existence & terms of the Agreement and Gene al Carters recollection has enabled him to state with Great exactness the Execution and the terms of the Agreement. I proceed now to the consideration of the Exceptions. It does not appear that the Agreement contained any provision respecting the allowance of a Commission to Mr Rees for labor and service in the resale of the lands and property of Holzendorf. and it is contended by the defendant. counsel that the absence of an express stipulation for Commission negative the claim on general principles. but I am not of that opinion. It might be a mere omission, and at any rate the Agreement contains nothing which forbids the claim. The question then is whether the claim for Commission is a reasonable and an equitable one on General principles- and I can have no doubt that it is, as far as the labor and services is to operate beneficially for Complainants. Mr Rees must have had much trouble and difficulty in the resale of the Lands and deserve a Commission therefor, especially from the Complainants who would otherwise have been suffers to a much greater extent than they have been. The first Exception of Defendant is therefore Supported, and it must be referred back to the Commissioner to make a Statement wherein he shall allow to the Defendant the usual Commission in such transactions on so much of the Sales of the Lands as

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after paying off the Judgments and reimbursing M.R Rees shall be applicable to the reimbursement of the Complainants. As to the 2nd Exception, I concur

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with the Commissioner in overruling it. It is clearly proved to have been paid by Coker to S Rees the Brother of H. Rees. It is scarcely presumable that the debtor would have paid or the Brother received the money without the direction of W. H. Rees- and as the doubts in this and many other particulars of this business arise from the neglect of M.R H. Rees to keep and to furnish clear accounts of his transactions, which he was particularly bound to do, the presumptions must be constantly against him. We come now to the 3.d Exception. I am of opinion that the Commissioner did right in allowing Interest on the balance of money received by Hubbard Rees H.R Rees was bound to apply the proceeds of the sales of the Lands & other monies of Holzendorfs which came into his hands to the different object stated in the agreement, as fast as he received the money, if he did not, he had the use and benefit of it, and according to the plainest principles of Equity is bound to pay Interest thereon. I concur therefore with the Commissioner in overruling the third Exception. The Balance therefore in the hands of M.R Long the Executor of M.R Hubbard Rees is directed to be paid with Interest on or before the 1.st January 1811. the Interest to be Continued till paid. With respect to Lands of Holzendorf bought in under the Agreement and not yet sold. IT IS ORDERED and DECREED that the same be sold to raise money to pay the balance due to M.R Harrison & Peay. The sales to be made by the Commissioner after the usual advertisements on the first Monday and Tuesday in September, on a Credit of twelve Months- the purchasers giving Bond and Mortgage. There will be no necessity to decree that if it should be discovered that any of the Lands now supposed to be unsold have been sold and the money received by M.R Rees that the amount should be paid out of the Estate of M.R Rees by his Executor- That would follow of course from the decision made in this case, and the party on applying by motion to the Court within a reasonable time, would have the relief he wishes, even if the Executor should hesitate to pay the money which his past conduct gives no reason to suppose. As to the Costs I think that as the necessity of coming into the Court arose from the neglect of M.R Rees in not keeping and rendering exact accounts of his transactions under the agreement, his estate ought to be made liable for them- Let the Costs therefore be paid by the Executor out of M.R Rees's Estate.

Admors Charles Pickett ) On Motion of M.R Blanding Complainants  
Vs ) Solicitor, and by consent of M.R Levy  
Jesse Davis & al ) Solicitor for Defendant Ordered that  
Jesse Davis do continue to collect the  
monies due the Estate of Charles Pickett deceased, and the monies  
due the Copartnership of Pickett & Long on the Notes and accounts  
in his hands & possession

JUNE 21. 1810

Pierce Butler )  
Vs )  
Charles Polk )

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JUNE 15.th 1812

At a Court of Equity begun and holden at Kershaw Court House in and for Camden District on Monday the 15.th June 1812.

PRESENT

The honorable Thomas Waties Esquire one of the Judges of the Courts of Equity

John Hill presented to the Court a Commission under the hand of his excellency Henry Middleton constituting him Commissioner of the said Court for the District of Camden which was read and is as follows

State of South Carolina

By his excellency Henry Middleton Governor and Commander in chief in and over the State aforesaid  
To John Gill Esquire

I reposing special trust confidence in your abilities and prudence care and integrity have commissioned constituted and appointed and by these presents do commission constitute and appoint you the said John Gill Commissioner in Equity for Camden District in the State aforesaid. To have hold exercise and enjoy the said office of Commissioner in Equity

JUNE 15.th 1812

together with all the rights privileges profits and emoluments whatsoever thereunto belonging or in any wise appertaining

This Commission to continue in force during good behavior

Given under my hand and the seal of the State in Charleston this tenth day of March in the year of our Lord one thousand eight hundred and twelve and in the thirty sixth year of the independence of the United States of America

(L.S.) Henry Middleton

Dan'l Jas. Ravenelle  
Secretary

He also produced the following certificate of his having qualified.

South Carolina )  
Kershaw District )

We do hereby certify that John Gill Esquire did this day appear before us, and take the oath required by law to be by him taken on his entering into the discharge of the duties of the Office of commissioner of the court of Equity for Camden District.

Camden 9.th April )  
1812 )

The Salmond  
C C & J. P & J Q  
Jos Wickle J P & J Q

JUNE 15.th 1812

Daniel Carter )  
V )  
James R Carter )  
and others )

The Report of the former Commissioner having been read to the following effect

The Commissioner REPORTS that in pursuance of an order and decree of the Court made in the above case, the Defendants LANDS mentioned in the Bill were sold and conveyed to Mr Elias Whilder and Titles for the substituted Lands in the State of Tennessee have been duly executed and delivered to the said Defendants in discharge of the Complainants Bond as will appear by their receipt herewith submitted  
Camden 12.th June 1811 B. Bineham Comr

IT IS ORDERED that the same be confirmed and that the Bond of the Complainants with Benjamin Carter Security be discharged

EX PARTE ) PETITION FOR GUARDIANSHIP  
TNO. COULLIETTE)

A Blanding Esqr. presented the Petition of Thomas Coulliette to the court praying to be appointed Guardian of his infant Children Ann Coulliette, Christopher Coulliette Thomas Coulliette James I. Coulliette Mary Coulliette and William Washington Coulliette. And the said Ann Christopher and Thomas who

JUNE 15.th 1812

were over the age of fourteen years having consented to the said appointment is ORDERED that letters of Guardianship be accordingly granted on the usual Security being given.

EX PARTE )  
ELIZA LEVY )

PETITION FOR GUARDIANSHIP

A Blanding Esqr presented to the Court the Petition of Eliza Levy stating that she was an infant under the age of twenty one years to wit of the age of thirteen years and that she was entitled to a considerable estate also naming that Sarah Levy her mother might be appointed her Guardian under such terms and with such powers as are usual in such cases; And the said



Sarah Levy having appeared in court and consented to the said appointment, it is ORDERED that Letters of Guardianship be accordingly granted on the usual security being given

Chapman Levy )  
Vs )  
Sarah Levy & ) Bill for sale  
Eliza Levy )

On motion of C. Levy for Plaintiff and by consent of A Blanding for defendants. ORDERED that Sarah Levy be appointed Guardian ad litem for Eliza Levy named in the above case.

The Bill and Answer in this

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JUNE 15.th 1812

case having been read ORDERED that the same be referred to the Commissioner to report whether it will be for the benefit of the Parties that a sale of the Property mentioned in complainants Bill should be ordered agreeable to the Prayer of the same

Samuel Melle )  
and others )  
Vs ) Bill of Complaint  
Thomas Porter )

The Bill and Answer in this case having been read, ORDERED that the same be referred to the Commissioner to report whether the answer admits any sum to be yet due the Complainants and to what amount

ADJOURNED 'TILL TOMORROW

TUESDAY 16.th 1812

The Court met agreeable to adjournment

Chapman Levy )  
Vs ) The following REPORT of the Commissioner  
Sarah Levy & ) was submitted  
Eliza Levy )

The Commissioner REPORTS that he has enquired into the matters referred to him in this case and is of opinion that it would manifestly be for the mutual interests of the Parties

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concerned that a sale of the Property mentioned in the Complainants Bill should be decreed and ordered

J. Gill  
Commissioner

IT IS ORDERED, that the same be confirmed and that the premises be immediately sold by the commissioner of this Court on a credit of twelve months bearing interest from the date, the Titles to be signed but not delivered until the purchase money is paid. The proceeds of the sale to be paid over when due to the Parties respectively entitled thereto, the share of the said Eliza Levy to her Guardian Sarah Levy on the usual terms

Nathaniel Barber )  
Vs )  
Peggy Barber )  
Arthur B. Edwards ) Bill for Partition  
Dirina Edwards )  
Robert G. Graves & )  
Peggy his Wife & )  
Charles B. Barton )

On Motion ORDERED that Peggy Barber be appointed Guardian ad litem to the Defendants Arthur B. Edwards and Dirina Edwards who are infants under the age of twenty one years, and that the Commissioner of this Court be appointed Guardian ad litem to the Defendant

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Charles B. Barber who is also an infant under the age of twenty one years and it is further ORDERED that the answer of the said Charles B. Barber be taken without oath

John Carter et al )  
Vs ) Decree  
Barton Harris )

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It is ordered that the Defendant do on the first Monday in August next show cause before the Commissioner of this Court why he does not comply with the former decree of the same in this case and in default thereof that an attachment do issue against him-

Nathaniel Barber )  
Vs ) Bill for Partition  
Robert G. Graves )  
& others )

The Bill and Answer in this case having been read it is ORDERED that a writ of Partition do issue directed to Adam McMillie John Russel William B Stover Thomas Archer and James Sumnerville requiring to divide the lands situated on the waters of Beaver Creek, on the Catawba River, and on Cane Creek among the Parties interested therein

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That the other lands be sold by the Complainant under the direction of the Commissioner of this Court at Leuben Pattersons Store on Singletons Creek on a credit of twelve months, the Titles not to be warranted

And it is further ORDERED that the said Complainant be authorised to make titles to the Land sold to Massey Higgins on his receiving the amount of the Purchase money

EX PARTE )  
JENN BATES ) PETITION OF GUARDIANSHIP

C Levy Esqr. presented to the court the Petition of Jenn Bates stating that he was an infant under the age of twenty one years to wit of the age of seventeen, years and that he was entitled to a considerable personal estate also Praying that James Bates his father might be appointed his guardian on the usual terms, And the said James Bates having appeared in court and consented to the said appointment.

IT IS ORDERED that letters of guardianship be accordingly granted on the usual security being given.

James Gay )  
Vs ) Bill for devison  
Jenn Bates )

On motion of C Levy for

JUNE 16.th 1812

Complainant and by consent of A Blanding for Defendant it is ORDERED that James Bates be appointed guardian ad litem for the said Jenn Bates in the above case

The Bill and Answer in this case having been read ORDERED that it be referred to the Commissioner to report whether it will be for the benefit of the Parties concerned, that a Partition should be ordered agreeable to the prayer of Complainants Bill; and the commissioner having submitted the following report-

JAMES GAY )  
VS ) REPORT  
JENN BATES )

The Commissioner reports that he has enquired into the matters referred to him in the above case and is of opinion that it would manifestly be for the mutual interest of the Parties that a division of the Personal Property mentioned in the Complainants Bill should be ordered

J:Gill  
Comr

IT IS ORDERED that the same be confirmed and that a division of the said Property between the respective Parties be immediately made and that Starke Hunter, Henry

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Hunter Hurwell Fort Davis Collins and James Sylvester chosen by consent of the said Parties, be and are hereby appointed Commissioners for that Purpose





Elizabeth Strawbridge )  
Adm.x Robt. Strawbridge )  
Vs ) Bill for discovery

Elijah Strawbridge &  
Joseph Strawbridge ) By consent of the Plaintiff and De-  
fendants in the above case ORDERED that the same be referred to  
the arbitrament final determination and award of Benjamin Bine-  
ham and Lewis Collins (with leave to chase a third man) or a  
majority of them, and that either of the parties may have the  
right of excepting to the award so far as respects any point  
of law, in the same manner as exceptions may be made to the re-  
ports of the commissioner of this court.

John Doby ) Bill for specific performance of a contract  
Vs ) and for other relief  
Sarah Doby )  
and others ) A Blanding Esqr. presented to the court the  
Petition of Sarah Doby Praying that she might be  
appointed guardian to defend the above suit, for her infant

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Children John Doby Mary Doby Elizabeth Doby George Doby William  
Doby & Joseph Doby Defendants.

ORDERED that the appointment be made accordingly

The Bill and answer in this case having been read and  
it appearing to the court that a division of the real estate owned  
jointly by the said John Doby the Complainant and the said  
Joseph Doby deceased had in the lifetime of the said Joseph Doby  
been agreed on and that agreement in part executed in the manner  
stated in the said Bill of complaint

It is therefore ORDERED and DECREED that the said  
Partition and division so agreed on and part executed be specific-  
ally performed, and that the said Sarah Doby on her own part and  
the Commissioner of this court on the part of the infant children  
John Doby Mary Doby Elizabeth Doby George Doby William Doby and  
Joseph Doby do execute Titles to the Complainant in fee simple  
for the Lots numbered nine hundred and ninety four and nine hun-  
dred and ninety five with the houses thereon standing on his the  
said John Doby the complainant/ executing to the defendants titles  
in fee simple of the lots numbered one thousand and thirty  
three and one thousand and seventy one with the buildings thereon  
standing

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and procuring Richard Lloyd Champion to execute titles in fee  
simple to the defendants of the lot numbered one thousand and  
seventy

And it is further ORDERED and DECREED that the defendant  
Sarah Doby do in all and singular her transactions of the admin-  
istration of the estate of the said Joseph Doby deceased account  
to this court

And it is further ORDERED and DECREED that the following  
Particulars be referred to the commissioner of this court  
Wit To examine and adjust the copartnership accounts of the  
concern carried on the said complainant and the said Joseph Doby  
and report the same to the next court

To enquire and report whether it will be for the benefit  
of the infant defendants that the undivided half of the lot sit-  
uated on the south side of King Street numbered three hundred  
and sixty one should be sold

To enquire and report whether it will be for the benefit  
of the estate of the said Joseph Doby that the negroes Primus  
and Sally should be sold or divided

To enquire and report what disposition of the household  
estate situated in the District of Lancaster and of the joint  
Property thereon ought to be made

To enquire and report what part of the personal estate  
of the said Joseph

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Doby it will be for the benefit of his estate to have sold and  
at what time and on what terms the same ought to be sold

To enquire and report whether the revision of the pur-  
chase of the ~~xxxxxx~~ negroes from Heady Harrison was for the  
benefit of the estate and whether the note given on that re-  
vision for five hundred dollars constitutes a Proper charge on

the copartnership

ADJOURNED UNTIL TOMORROW  
JUNE 17.th 1812

THE COURT MET AGREEABLE TO ADJOURNMENT

Nathaniel McCants )  
and others )  
Vs ) Bill of Complaint  
Thomas Rose )

Witnesses James Brown  
William Burgess  
William McCutchen

The Bill and Answer in the above case having been read  
on yesterday, and counsel heard on both sides, the court on this  
day pronounced the following DECREE "The object of this Bill is  
to recover a negro woman named Rose, whom the Complainants

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claim under the general words of a deed from Hugh Winter, and  
whom the defendants claims under a previous gift to his wife,  
Agnes, who was a daughter of the said Winter is the evidence in  
the case is chiefly circumstantial I was first disposed to di-  
rect an issue at law, but on a more full consideration of the  
circumstances, they appear to me to furnish a conclusion suffi-  
ciently certain to enable me to form a satisfactory opinion on  
it, without subjecting the parties to the expense and delay of an  
enquiry at law

Hugh Winter from whom both parties claim, conveyed by deed  
to Trustees, all his estate both real and Personal, to be equally  
divided among his Children Hugh Winter Jane Cooper Margaret Du-  
rant Agnes Winter and Mary Carlisle. A division was made soon  
afterwards when Hugh Winter the Father was present, and the negroes  
were allotted in families to the different Children. It was pro-  
ved by James Brown one of the Trustees, that before the division  
was made H. Winter set apart the negroes, Mingo Diana and her  
child Peter and told the Trustees they had nothing to do with  
those negroes, for he had given them to his daughter Agnes to  
put her on a footing with his other Children to whom he had be-  
fore made advancements. The Wench Rose who is in

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dispute is a child of the Wench Diana who was thus set apart,  
but H. Brown does not remember that she was there present with  
her Mother, on the contrary he declares that H. Winter named  
only Mingo Diana and her child Peter, and when he delivered the  
deed he again said that he conveyed all his negroes by it except  
"the three before mentioned" If this were the only testimony in  
the case I should be bound to declare that the Wench Rose was  
not given to Agnes by her father But there are other circum-  
stances belonging to the case which require from the court a  
different opinion. The deed purports to be a conveyance from  
H. Winter of all his property to be divided among his children.  
The names of the negroes are not expressed in the deed, but in  
the designation of them made in the division by the Trustees,  
the Girl Rose is not named in any of the shares. It has been  
proved also that the negroes were divided into families that  
this was the wish of H. Winter, and that the family to which  
Rose belonged, had been set apart by him for his daughter Agnes  
before any division. The fair inference from these circum-  
stances is that Rose was not intended to be included in the  
deed from H. Winter, but that she was either present and made one  
of the family so set apart for Agnes and was overlooked by the  
Witness H. Brown, or that she was not

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set apart because she had been previously given to Agnes by her  
father. This last conclusion appears to me the true one from  
other circumstances. Two years after this division a witness  
Mr. McCutchen procured from Agnes this girl to take care of his  
child Agnes was then /un/ married and living with the husband of  
her sister Jane. James Cooper she had the exclusive possession  
of the Girl and was acknowledged in the family to be the owner

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This fact not only manifests very strongly a right in her, but also that this right must have been derived from a gift made to her previously to the division. There is another circumstance which strengthens this proposition: the object of H. Winter was to make the share of every child equal and M. Brown has stated that the gift of Rose to Agnes, would have done no more than put her on a footing with the other children. The equity there is on the side of the defendants claim and this view of the evidence is the only one which can reconcile the contradiction, in it which ought to have great weight with the court in every case. It is therefore ORDERED and DECREED that the Bill be dismissed but without costs."

Thos. Waties

JUNE 17.th 1812

John Doby }  
Vs } The Commissioner /having/ submitted the follow-  
Sarah Doby } ing Report in Part  
and others }

The Commissioner of this Court REPORTS that he has been attended by the Solicitor for the several Parties and the Guardian for the infant defendants, and in their Presence has proceeded to the several enquiries referred to him and submits the following REPORT

- 1st After due consideration of the unproductive state of the property situated on the South side of King street, I am of opinion that it would be for the benefit of the infant defendants that the undivided half of Lot number (361) three hundred and sixty one should be sold on a credit of twelve months taking bond and mortgage of the premises
- 2nd I am also of opinion that the negroes Primus and Sally can be divided and recommend that commissioners be appointed for that purpose
- 3rd As to the leasehold estate in Lancaster District and the joint Property thereon I have not sufficient information to enable me to form a correct opinion what disposition ought immediately to be made of the same; But as there is a crop thereon growing under the

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- direction of the Complainant who is the half owner thereof, I recommend that for the present Year at Least, the same should continue under his management, he accounting to this court for the Proceeds of the proportion of the said crop to which the estate of the said Joseph Doby may be entitled
- 4th I have examined into the circumstances attending the recession of the purchase of the negroes from Deadly Harrison, and am of opinion that the said recession was prudent and well calculated to benefit the Parties interested therein, and that the note for five hundred dollars constitutes a proper charge against the copartnership funds
- 5th I have examined the propriety of a sale of the Personal estate of the said Joseph Doby deceased, and recommend that all the personal Property in the District of Lancaster should not be sold until the completion of the present crop and until a disposition shall be made of the leasehold estate there situated. That the personal Property belonging to the tavern now rented by John Doby and occupied by Joseph Drvin should be let to the said occupant, until the first day of January next, and there sold on a credit of twelve months, and that all the balance of the said Personal estate returned in the inventory is taken of Property in Hershaw District (not

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- including the negroes) be sold as soon as convenient on a credit of twelve months
- 6th That the sales of real estate hereby recommended be made by the Commissioner and of the Personal estate by the Complainant and Defendant Sarah Doby All which is humbly submitted Commissioners Office)

J. GILL  
Commissioner

It is Ordered that the same be confirmed and it is also Ordered that James S. Murray Benja. in Bineham Willie Vaughan Francis S. Lee and Henry Abbott be appointed commissioners who as a majority of them are authorized to divide the negroes Primus and Sally between the Parties interested therein

John Davis & Moses Knighton }  
/dum.s Charles Pickett decd.d }  
Vs } Bill of Complaint  
Jesse Davis & Francis Long }

The Bill having been taken Pro Confesso against the defendant Francis Long and as it respects the defendant Jesse Davis the commissioner having reported as follows

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John Davis & Moses Knighton }  
/dum.s Charles Pickett decd.d }  
Vs } REPORT  
Jesse Davis & Francis Long }

I have been attended by the Solicitors as well on Part of the Complainants as of the Defendant Jesse Davis, and in their presence proceeded to the examination of the accounts of the said Jesse Davis and submit the following REPORT

- 1st I find that the said Jesse Davis has collected of monies due to the concern of Pickett and Long, and find that the same amount to \$1275.08 and that on account of that concern he retains the sum of \$1412.46 being the Principal due from Pickett and Long on their note jointly with Thomas Starke to /danson and Peay Executors of Belton and the further sum of \$138.85 being the interest due thereon from the 14.th May 1805 to the time the notes and accounts of the said Pickett and Long came into his hands leaving a balance in favor of the said Jesse Davis of \$487.74
- 2nd That he has collected of the monies of Charles Pickett the sum of \$1766.27 and has made payment on account of the said Charles Pickett and to the complainants to the amount of \$407.73 and has a right to retain the balance due him by Pickett

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- and long amounting as aforesaid to \$487.74 leaving a balance in the hands of the said Jesse Davis of \$19.04 /to/ which amount the Complainants are entitled
- 3rd I further report that the note of Charles Pickett. Thomas Starke and Francis Long to /danson & Peay has not been paid taken up by the said Jesse Davis and that the complainants as Administrators of Charles Pickett are liable for the same with interest from the 14.th May 1806
- 4th That the list of vouchers herewith filed marked A contains such notes accounts and judgments belonging to Pickett & Long as have been deposited with me by the said Jesse Davis
- 5th That the list of vouchers herewith filed marked B contains the notes due Charles Pickett which have been deposited with me by the said Jesse Davis
- 6th I further report that the said Jesse Davis has presented before me an account of monies due him by Charles Pickett amounting to \$36.46 which account commences in the year 1796 for which the Commissioner has not thought proper to allow him credit in the settlement of the annexed accounts, no vouchers having

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been produced by the said Jesse Davis to prove the items contained in the said account

All which is humbly submitted Commissioners Office  
June 17.th 1812 J. GILL  
Commissioner

It is therefore ORDERED that the said report be confirmed, and it is further ORDERED and DECREED that unless the defendant Jesse Davis shall on or before the sixteenth day of December next produce to the commissioner of this Court satisfactory vouchers of his having paid and discharged the note of Charles Pickett, Thomas Starke and Francis Long to William /danson and Nicholas Peay Executors of Jonathan Belton deceased, that then an execution do issue against him for the ever sum and interest may be due on the said note and the money when collected be applied to the payment of that debt by the commissioner of this court, or that an attachment do issue against him. And that the defendant Jesse Davis do pay to the complainants the sum of seven hundred and nineteen dollars and four cents with interest from this day on or before the seventeenth day of December next and in





case of his failure that an execution or attachment do issue against him And it is further ORDERED and

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ORDERED that the Commissioner do deliver unto the complainants the vouchers of Fickett and Long and of Charles Fickett now in his hands and the defendant Jesse Davis do deliver to the complainants such vouchers and evidences of debts as still remain in his hands. Each party to pay his own costs.

Exparte ) PETITION FOR GUARDIANSHIP  
Sarah Doby )

Mr. Blanding Esqr. presented to the court the petition of Sarah Doby praying that she might be appointed Guardian to her infant children John Doby Mary Doby Elizabeth Doby George Doby William Lob and Joseph Doby. The Petition having been read and the said Sarah having appeared in court and consented to accept the said guardianship.

It is therefore ORDERED that the said Sarah be appointed to the guardianship aforesaid on the usual security being given

William Simms )  
Vs ) Bill of Complaint  
Roger Dunn & )  
John Douglas ) The Bill and Answer in this case having been read, and there being no evidence offered to the court to support the complainants charges. The court

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ORDERED and DECIDED, and accordingly it is ORDERED and DECIDED that the Bill be dismissed with costs

Tho. Waties  
June 17.th 1812

John Quigley (by his next friend)  
Vs ) Bill of Complaint  
Exors of Thomas Quigley ) The former decree made in the above case was made absolute

Admr.s Geo Fairborne )  
Vs ) Bill  
Opry and Teasdales ) This cause was continued the Complainant to give security for costs being absent from the State

Douglas Starke )  
Vs ) Bill of complaint  
Zach Cantey & others ) This case was continued by consent of the defendant, on account of the Plaintiff being out of the State, and referred to the Commissioner

Philip Benoist )  
Vs ) Bill of complaint  
Sarah Martin ) This case was dismissed by the court with costs

Lebulon Rudolph )  
Vs ) Bill  
Francis & Lee et al ) Continued by consent

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Benjamin Franklin (deceased)  
Vs ) Bill of Complaint  
Mary Bradley et al ) This case was referred to the Commissioner, with power to examine any witnesses produced on either side

Philip Perkins )  
Vs ) Bill of complaint  
Thomas Sunter et al ) This case was continued by consent at xxxxxx

ADJURNED TILL THE THIRD MONDAY IN FEBRUARY NEXT.

FEBRUARY 15.th 1813

At a Court of Equity begun and holden at Kershaw Court house in and for the District of Camden on Monday the fifteenth day of February in the Year of our Lord one thousand eight hundred and thirteen and in the thirty seventh year of American Independence

PRESENT his Honor William James

Gilbert Dinkins et al )  
Vs ) Bill  
Barton Harris et al )

On motion of Mr. Blanding Sol for John Adams one of the defendants ORDERED that the Order that the bill be taken Procon-fesso so far as it respects the said John Adams be set aside and that he have leave to file his Answer.

Admr of Reborn )  
Vs ) Bill  
Opry & J & J Tisdale )

On Motion of Mr. Deas Sol for the defendant J Tisdale J.R ORDERED that Ulysses Rogers an infirm witness be examined by Commission in the above case

EXPARTE )  
Priscella Casach ) PETITION for Guardianship  
Mr. Blanding presented the petition of Priscella Casach praying that she and her husband Thomas Casach might be appointed Guardians

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to Berrel A Hollis and Eliza M. Hollis the infant children of the said Priscella by a former marriage.

On hearing the petition in this case it is ORDERED that the said Priscella Casach and Thomas Casach be appointed Guardians to the said Berrel A Hollis and Eliza M. Hollis infants under the age of fourteen years, and that letters of guardianship do issue to them, on their giving the usual security

Exparte ) Petition for a commission to enquire of  
William Dunn ) the lunacy of Thomas Spalding  
Mr. Blanding presented the petition of William Dunn, praying that a commission might be issued from this Court, to enquire of the lunacy of Thomas Spalding  
On hearing the petition in this Case and the affidavit annexed to it, it is ORDERED that a Commission in the nature of a writ de lunatico inquirendo do issue in this case to enquire of the lunacy of Thomas Spalding of Sumter District directed to Robert Wilson Thomas Wilson Roger Wilson Addison Scarborough and William Carter, returnable during the present Court, if the same can so soon returned and if not, to the next court

ADJURNED TILL TO MORROW AT 10 O'CLOCK

TUESDAY FEB: 16.th

THE COURT MET 10 O'CLOCK TO ANNOUNCEMENT  
The Commissioner made the following Report

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John Carter et al )  
Vs ) Report  
Barton Harris )

The Commissioner reports that the said Barton Harris not having appeared agreeable to the Order made in this case at the last Court, an attachment issued against him in pursuance of the said order and upon being arrested then on said Barton Complied with the former decree of the Court made in the above case

J. Gill Comr

Gilbert Dinkins )  
Vs ) Bill for a division  
Barton Harris & )  
John Adams )

It is ORDERED after the Bill and the answer of John Adams One of the defendants being read, that an issue at law be made up to try the title



alone of John Adams, to the lands indispute in this Case, in the Court of common pleas at Kershaw Court House on the third Monday after the fourth Monday in March next, and that a rule of survey do issue to be directed to Stephen H Boykin returnable at that time.

James Gay )  
 Vs ) Bill for a division  
 John Bates )

On motion of Mr Levy for complainant in the above case and by consent of Mr.s Blanding for defendant it is ORDERED that the return and division made by the commissioners appointed by the Court to divide the property which was the subject of the said bill be confirmed

ADJOURNED UNTIL TO MORROW 11 O'CLOCK

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The Court met agreeable to adjournment  
 The Commissioner made the following reports  
 John Doby )  
 Vs ) REPORT  
 Sarah Doby et al )

The commissioner reports that in pursuance of a part of the decree made in this case at the last Court after having duly advertised the real property specified in the said decree situated on the north side of King street in the Town of Garden he has proceeded to a sale of the same, at which said Sam W Lain became the purchaser at and for the price of two hundred dollars and that a title has been made to him and a Mortgage taken of the premises agreeable to the directions of the said decree

J Gill Com.r

ORDERED that the same be confirmed

The Commissioner begs leave to report to this Court that the persons here in after mentioned have, at the time hereinafter Specified obtained letters of Guardianship out of this Court to the infants herein after named and have not yet returned to this Court either the original amounts of the said infants estates, or made any annual returns of their actings and doings therein

Zechariah Barriett )  
 of ) 7.th December 1793  
 Mary Barriett )  
 William Heatly )  
 of ) 25.th February 1798  
 Elizabeth Forquin )  
 Samuel Fleming )  
 of ) 21.st February 1804  
 James Fleming & )  
 Elizabeth Fleming )

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Freeman Delake )  
 Ann Delane )  
 of ) 21.st February 1808  
 Philip Hiram & )  
 William Hiram )  
 John Howel J.r )  
 of ) 17.th December 1808  
 Sarah Howel & )  
 Mary Howel )  
 William Scott )  
 of ) 15 February 1808  
 John & Moses Croft )  
 Joseph Doby )  
 of ) 17.th February 1808  
 George White )

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MS

Samuel Scott )  
 of ) 12 February 1808  
 Mary & Ann Scott )  
 Ann Watson )  
 of )  
 James Watson ) 16.th February 1808  
 Richard W Watson & )  
 Wardaway D Watson )  
 Jonah Perry )  
 of ) 22.nd February 1809  
 Eleazer Lee )  
 George Perry )  
 of ) 22.nd February 1810  
 M.m & Sarah Rutledge )  
 Robert Coleman )  
 of ) 22.nd February 1810  
 Rich.d & Louisa Coleman )  
 John Guerrey )  
 of ) 20.th February 1811  
 Thos: & Martha Guerrey )

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William Coppedge )  
 of ) 20.th February 1811  
 William A Coppage )  
 Peter V Guerrey )  
 of ) 20.th February 1811  
 Ja.s & Jane Guerrey )  
 Benjamin Massey )  
 of ) 18.th June 1811  
 W.m M Gibson )  
 Asa Dinkins )  
 of ) 18 June 1811  
 T W Langstaff & )  
 Martha E Langstaff )  
 Lovick Young )  
 of ) 18 June 1811  
 W.m & J Middleton )  
 John Johnson )  
 of ) 15.th February 1808  
 Aiden Tillman )

In this Case a return of part of the estate of the said infant has been filed in my Office but no annual return of the transactions of the said Guardian in the management of the said estate has yet been made.

Sarah Stark )  
 of ) 8.th December 1807  
 Thomas Stark )

In this case a return of the estate of the said infant has been filed in my Office but no annual return of the transactions of the said guardian has yet been made of his management of the said estate

All which is respectfully submitted J Gill Com.r  
 February 17.th 1813

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ORDERED that a rule do issue against the several guardians of the estates above mentioned requiring them to account with the Commissioner on or before the first Monday of May next or show cause why they have not, to the Court at its next sitting on the 3.rd Monday of June next.

W. James





Elizabeth Strawbridge  
Admx; Rob.t Strawbridge  
VS  
Elijah Strawbridge &  
Joseph Strawbridge

In EQUITY

The arbitration appointed at last Court in the above case having returned the following award

The subscribers /appointed/ arbitrators in the above case have proceeded to an examination of Witnesses and a hearing of the parties by their solicitors on the matters in dispute between them and are of opinion that the complainant has not received her full and just share of her fathers estate and its increase under twenty six years of her persons care and labor, WHEREFORE AWARD that the defendants Elijah and Joseph Strawbridge do pay to the complainant Elizabeth Strawbridge the sum of One hundred Dollars in full discharge of all claims against them either in her own right or as Administratrix of her fathers estate We are of opinion that the other daughters of Robert Strawbridge received their reasonable proportions of their fathers estate in as much as they married and removed from their mother before any considerable increase of said estate We also award that the defendants pay Costs of suit

Garden 11.th September 1812

Lewis Collins  
Benjamin Bineham

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ORDERED that the said award be confirmed

Samuel Kello et al )  
Vs )  
Thomas Porter et al ) Bill

The Bill and answer in this case were read /adam Tum and Joseph Newson Witnesses for the defendants were examined and the arguments of Counsel heard on both sides.

ADJOURNED UNTIL TOMORROW MORNING 9 O'CLOCK

THURSDAY FEBY 18.th

THE COURT MET AGREEABLE TO ADJOURNMENT

Nathaniel Barber )  
Vs )  
Peggy Barber et al ) Bill for a Partition

The return of the commissioners appointed to divide the estate mentioned in the Bill having been made ORDERED that the same be confirmed.

Henry H Dickinson )  
Vs ) Bill for sale or devison  
Elizabeth Maples et al )

It appearing to this Court that Elizabeth Maples and Thomas Maples two of the defendants are infants and no person appointed to act as their guardian, it is therefore ORDERED that the said infants have notice to appear at the next Court and choose their guardian to defend this suit and in default thereof, the Court will appoint the Commissioner of this Court as their guardian ad litem.

The Court then pronounced the following decree.

FEBRUARY 18.th 1813

Samuel Kello et al )  
Vs ) Bill  
Thomas Porter et al )

In this Case the Payment of nine hundred dollars stated in Defendant Porters answer to have been made to Samuel Colvert is to be the subject of future investigation and to make no part of the present Decree. It is also admitted by complainants Solicitor that the negro Solomon named in the deed of trust of the 25.th Jan'y 1811 has been sold by the trustee for \$310.31 cents which is to be credited to the defendant Porter; but that for the balance of Twelve hundred and twenty seven Dollars and nineteen Cents and the Interest there on from the date of said mortgage deed; and also the expenses attending the /enforcing of the/ execution of the trust, the Compls. pray a decree against the said Porter and also against the defendant Cantey who is admitted to be an innocent purchaser of three of the Negroes named in said deed; but it is further admitted by Compls. that all the other mortgaged property (provided

it can be procured) is first to be resorted to before the defendant Cantey can be made liable. I shall at present only consider the claim of Compls. against Porter making that against Cantey the subject of a future investigation; Since it is more than probable that the whole demand of Compls. may be satisfied without resorting to him; As the Mortgage of the Hanseman plantation in Virginia and the defence set up by Porter in his answer respecting the same I shall pass it wholly by as being subject to the jurisdiction of the Courts in that state and not coming within the controul of this Court. The negroes named in the deed however being in this State become a proper subject to be acted upon: On this point the case is a plain one. The debt has become

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due and the line of the mortgage has completely attached itself upon the negroes. No more then need be said, but that if Porter cannot redeem them they must be sold to satisfy the balance of the debt as above stated and the legal interest on the same according to the laws of Virginia. The expenses upon enforcing the execution of the trust will likewise follow as a matter of course as being induced by the default of the defendant Porter. But as the complainants have agreed to give the said defendants time until the third Monday of June next to enable him to make the sum enjoined in the State of Virginia available should the same be in his power. IT IS THEREFORE ORDERED AND DECREED that all the negroes named in the said deed of trust and their increase (except Jerry Henry and Cherry in the possession of the defendant Cantey and Solomon already disposed of) be sold for Cash on the said third Monday in June next to satisfy the said said sum of twelve hundred and twenty seven and twenty seven dollars nineteen Cents, and the interest thereon and also the expenses of enforcing the said trust. That it be referred to the commissioner to ascertain the sum which will thus become due and that the defendant Porter do pay the Costs of this suit

W James

On the foot of the above agreement of Compls. it is further ORDERED that in case the Cash shall not be paid down the Commissioner shall resell immediately for cash on the same levy and advertisement at the risk of the former purchaser and so on until the money is raised and that any person

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who shall once purchase and not pay the money down shall not be permitted again to bid

Admx.s of Geo. Raiborn ) W James  
Vs )

Oprey & Tesdale ) Bill

The Bill of Elizabeth Ann Oprey was Ordered to be received and the Case to be continued Hugh Oprey J.r a soldier in the service of the U.S. to be examined de bene esse

Douglas Starke )  
Vs ) Bill

Zachariah Cantey )  
et al )

The case was continued being under reference

Zebulon Rudolph )  
Vs ) Bill

Francis Lee et al )

This Case was continued by consent.

John Doby )  
Vs ) Bill

Admx of Jo.s Doby et al )

This case was continued on the further reference of accounts

Benjamin Franklin et Uxor: )  
Vs ) Bill

Mary Bradley et al )

This case was continued and the examination of Witnesses for complainants and defendants to be taken de bene esse

Exors. Philip Hawkins )  
Vs ) Bill

Thomas Sumter et al )

Continued by consent of parties



FEBRUARY 12<sup>th</sup> 1813

James Corbett )  
Vs ) Bill  
James Weeks et al ) Under arbitration and continued

Elizabeth Vaughan )  
Vs ) Bill  
V. Vaughan & )  
William Abbott )  
answered ) Continued one of the defendants not having

John Watson )  
Vs ) Bill  
Mary Rees )  
This case was settled

ADJOURNED UNTIL THE 3<sup>rd</sup> MONDAY IN JUNE NEXTJUNE 21<sup>st</sup> 1813

At a Court of Equity begun and holden at Hershaw Court house in and for the district of Camden on the twenty first day of June in the year of our Lord one thousand eight hundred and thirteen and in the thirty seventh Year of American Independence

Present his honor Henry Wm Dessoassure

EX PARTE ) Petition for Guardianship  
Hasten Jennings )  
and others ) M<sup>r</sup> Blanding presented the petition of Hasten Jennings and Sarah W. Jennings the Uncle and Mother of John Wright Jennings and Lauringdon Robertson Jennings, infants under the age of fourteen years and entitled to a considerable real and personal estate praying that the said Hasten Jennings might be appointed Guardian of the said infants, with the powers usually granted in such Cases and his Complying with the usual terms.

WHEREUPON after hearing the said pet'n it is ordered that he be appointed their Guardian accordingly, on giving the usual Security; and it is further ordered that he do account annually to this Court.

NATHANIEL BARBER )  
VS ) Partition.  
ROBERT C. GRAYES ET AL)

The Commissioners in this Case having made their return to the writ of partition It is ordered that the same be confirmed.

EX PARTE ) Petition  
Tho. Waties ) M<sup>r</sup> Blanding presented the petition

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of Thomas Waties Esq stating that the petitioner's Mother Mrs Elizabeth Trapier, in her life time gave to his daughter Catharine Waties a certain negro girl named Delia whose mother is the property of Benjamin F. Trapier Esq of George Town and that the said Benjamin being desirous on that account of purchasing the said negro girl, and the petitioner's said daughter having consented thereto (his said daughter being a minor) has agreed to sell the said girl to the said Benjamin F. Trapier, & in lieu thereof has given to his said daughter by a deed which is herewith exhibited, a mulatto girl named Sally, who is older and of much more value than the girl aforesaid therefore praying that the Petitioner might be authorised by this honorable Court to execute a bill of Sale to the said Benjamin F. Trapier for the said negro girl named Delia.

WHEREUPON after hearing the said petition it is ordered that it be referred to the Comm<sup>r</sup> to report whether it would be for the benefit of the said minor that the prayer of the said Petitioner be granted.

John Doby )  
Vs ) Bill  
Sarah Doby et al)

It is ordered on motion of M<sup>r</sup> Blanding and by consent of M<sup>r</sup> Levy for the defts that it be referred to the Commissioner

to report whether it would be for the interest of all parties, to sell the leasehold estate situated in Lancaster District, with the joint property thereon, or to cause the same to be divided, whether it would be for the advantage of the estate of Joseph Doby that the remaining personal Estate belonging exclusively

21<sup>st</sup> JUNE 1813

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to him, be sold, excepting the negroes, and whether the slaves of the Estate, can be sold now beneficially divided, so as to enable the widow to receive her third part thereof.

John Ramsay )  
Vs ) Bill for an account & relief  
Willis Ramsay )  
and others ) ORDERED that this case be referred to the Commissioner of this Court to report thereon at the next Court.

John Ramsay )  
Vs ) Bill for an account & relief  
Geo. J. McCauley ) ORDERED that this case be referred to the Commissioner of this Court to report thereon at the next Court.

Sam'l Helle et al )  
Vs ) Bill  
Thomas Porter ) On Motion of M<sup>r</sup> Blanding Compt's Solicitor it is ordered that publication of the Commission's returned in this Case do pass, and that the case be referred to the Commissioner to report the balance due by the defendant.

John Ramsay )  
Vs ) Bill  
Willis Ramsay ) It is ORDERED that Willis Ramsay be appointed guardian ad litem for Elizabeth Ramsay one of the Defendants in this case.

Philip Carolan )  
Vs ) Bill  
Francis Hutton ) It is ORDERED that this case be referred to the Commissioner

21<sup>st</sup> JUNE 1813

Jesse Iron et al )  
Vs ) Bill  
Robt. Gurnes & Guardian)

On motion of M<sup>r</sup> Hooker defendants Solicitor, ORDERED that the order for taking the Bill pro Confesso in this case be set aside. The Commissioner made the following report

Sam'l Helle et al )  
Vs ) Reference  
Thomas Porter )

The Commissioner to whom it was referred at the last Court to report the amount of the expenses incurred by the said Samuel in carrying into execution the deed of trust made by the said Porter to the said Samuel here leave to Report

In this Case I have been attended by the Solicitors as well on part of the plaintiffs as of the defendants and have examined the accounts of the expenses of Compt's Sam'l Helle in carrying into execution the deed of trust of the Bill mentioned according to the order of reference, and find the said expenses, exclusive of the fee paid by the said Samuel for Counsel to amount to two hundred and thirty seven dollars, fifty one Cents as appears by the account herewith submitted THE PET paid by the Complainant Samuel Helle for Counsel fee amounts to sixty five dollars as appears by the RECEIPT produced before me which sum I think too high and only allow the sum of thirty dollars; so that the whole expense properly chargeable to the defendant Porter, in this Case for enforcing the said trust, amounts to two hundred and sixty seven dollars and fifty one Cents.

All which is respectfully submitted  
J. Gill  
Commissioner  
Comm<sup>r</sup> Office )  
Feb. 10<sup>th</sup> 1813 )





21.st JUNE 1813

to this Bill of Complaint filed the following exception. The Complainant excepts to the Commissioner's report in this Case on the following grounds.

Because the report does not admit the Charge of Sixty five dollars allowed the Solicitor for counsel fee in this Case, but has reduced the same to Thirty Dollars

A Blanding  
Compl'ts Solic

ORDERED that the exception be sustained and the report in other respects be confirmed.

ADJOURNED TILL TOMORROW AT 10 O'CLOCK A. M.

TUESDAY 22.d JUNE 1813

The Court met agreeably to adjournment.

The minutes of yesterday's proceedings were read.

EXHIBIT 2nd of Complaints examined the following report  
Thomas Bates Esq ) Reference on Petition

In pursuance of the order of reference in this Case the Commissioner begs leave to submit the following report

That on a consideration of the facts stated in the Petition, I am of Opinion it would be for the manifest advantage of the said minor that the prayer of the said Petition should be granted, and that the petitioner should have permission to make the same prayer for, on such terms as are Stated in the said petition

22 June 1813

ORDERED that the same be confirmed J Gill, Commissioner

Douglass Starke )  
Vs ) Reference  
Tech Santey et al )

Agreeable to the order of reference made in the above case the Commissioner begs leave to submit the following report

I have been attended by the Parties in this Case

20.d JUNE 1813

who their Solicitors and by mutual agreement of the said Parties report that on the adjustment of the parties accounts it appears that the same are balanced and nothing due from either in the transactions stated in the Bill and answer

22 June 1813

ORDERED that the same be confirmed J Gill Comr.

Mary White & )  
Isabella H. White )  
Vs ) Bill  
Martha White et al )

ORDERED that Mr Thomas Williams be appointed guardian ad litem for Elizabeth A. Dunlap; George A. Dunlap, Samuel Dunlap and Mary Dunlap infant defendants in the above case: the order for taking the Bill pro confesso be set aside, and that those infants and Mary Dunlap the elder, Bartlet Jones and Jane his wife have until the twentieth day of November next to file their answer.

John Doby )  
Vs ) Reference  
Sarah Doby )  
and others )

The Commissioner to whom the above case was referred begs leave to submit the following report.

1.st As to the leasehold estate in Lancaster district, owned jointly by the parties consisting of eight hundred acres or more of land situated on the Catawba river, I am of opinion it cannot be so divided as to give each party justice. From all the information I have been able to collect both from the parties themselves and others, it appears there is but one situation on the said land whereon a good settlement can be made, near to the cultivated land. It also appears that all the good land contained in

22.d JUNE 1813

the said plantation, lies in such a way as would render a division of it almost impracticable, there being too little good land if it be divided for two plantations. This leasehold estate therefore together with the other joint property thereon, consisting of a stock of hogs, plantation tools and machine I recommend to be sold sometime in the fall when the Crop thereon now growing is gathered on such terms as the Court may think proper to decree.

2.nd As to the remaining personal Estate (negroes excepted) belonging exclusively to the Estate of Joseph Doby it being nothing but stock, I am of opinion that as many of the Parties interested are infants of tender years, and more particularly should the plantation be sold, that a sale of the same could be made at the same time the plantation is sold, without injury to the parties interested.

3.rd Respecting a division of the negroes of the Estate of Joseph Doby between the widow and children of the said Joseph, I am of opinion that such division is proper, there being sufficient funds without resorting to the negroes to discharge all the debts owing by said estate, they being all copartnership debts and recommend that the same be made at the expiration of the present year. All which is respectfully submitted

22 June 1813

John Gill, Com.

WHEREUPON it is ordered that the same be confirmed and it is further ordered that the leasehold estate in Lancaster district belonging jointly to John Doby and the estate of Joseph Doby, with the joint property thereon be sold by the Commissioner of this Court on the first monday in January next for so much Cash as will defray the expence of the sale, and the balance on a Credit of one, two and three years with interest from the date, the purchaser giving bond with good security and a mortgage of the premises. And it is further ordered that the administratrix of Joseph Doby do sell at the same time the remaining personal Estate of Joseph Doby excepting the slaves on a credit of twelve months, for all sums over ten dollars, and

22.d JUNE 1813

all of that amount or under for cash.

It is further ordered that a writ of Partition do issue directed to Churchwell Anderson, George Wren, Benjamin Harper, Jeremiah Dureton and Mike Joy, requiring them to divide the slaves of the Estate of Joseph Doby dec'd among the parties interested therein, according to the respective interests of the parties, returnable at the next Court.

Also ordered that the reference to the Commissioner of the accounts involved in this Case be continued.

Gilbert Dinkins et al. )  
Vs ) Bill  
Barton Harris & Jno. Adams )

UPON the hearing of this case it appeared to the Court, that John Adams the defendant had by his answer insisted in a distinct independent title to the Land, in dispute at law which upon the trial was relinquished by the defendant and the right of the Complainant admitted the Bill having Charged that Barton Harris had under the decretal order, of the Court of Equity conveyed certain portions of land to the Complainants to each one fourth part in right of their wives, and that John K. Carter had conveyed his one fourth part to Gilbert Dinkins. And it further appeared that Barton Harris had been regularly served with a Subpoena ad respondendum, that in consequence of his failure to put in his answer, an order was made, that the said bill as relates to the said Barton Harris be taken as confessed. It is therefore ORDERED that a writ of Partition do issue in this Case directed to Reuben Long, John Cox, Captain Thomas Baker, John Moore and John W. Lenoir to divide the lands in dispute between the parties and that they do make a

22.d JUNE 1813

return to the said writ of Partition returnable to next Court; giving to the said Gilbert Dinkins one fourth part in right of his wife, and one fourth part in his own right, to Joseph Brown in right of his wife one fourth part, to Barton Harris the remaining one fourth part-- The Question of Costs reserved.

WILLIAM COPPIDGE )  
V ) BILL  
Wm A. COPPIDGE )



It is ordered that the Commissioner in this Case do act as Guardian for the Defendant an infant under the age of twenty one years for the purpose of defending this suit.

The Bill and answer in this case having been read. It is ORDERED that Capt Spencer Wilder John Dugan, Leonard White, Richard Bradford and Gershon Benbow be appointed Commissioners to divide the property between the parties interested and return an account of the same to the Court with their doings and doings therein to the next Court agreeable to the directions of the Act of the Gen'l Assembly in this State in such case made and provided.

Mary White and )  
Isabella H. White )  
v ) Bill  
Martha P. White et al )

It appearing to the Court that Geo. White one of the Defendants in this case resides without the limits of this State, It is therefore ordered that the Commissioner of this Court do give notice to the said George White in the state Gazette to appear to the said bill of Complaint on or before the first day of January next agreeable to the act of the Legislature of this State in such Case made and provided, and in default thereof that the

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said bill be taken as confessed.

Eleanor Lee )  
v ) Bill  
Reuben Starke )

On motion of M<sup>r</sup> Hooker Compt Solicitor, ORDERED that John Pickett do appear in this Court on Thursday the twenty fourth instant at 10 O'Clock A. M. to shew Cause if any he can, why an attachment should not be issued against him for a Contempt of this Court in not obeying a subpoena issued from it, requiring his attendance in the said Court as a Witness in the suit above Stated.

John Ramsey )  
v ) Bill  
Willis Ramsey )  
and others )

On motion of M<sup>r</sup> Blanding Solicitor for Complainant ORDERED that he have leave to amend the Bill.

Jesse Wren and Wife )  
v ) Bill  
Robert Carnes et al )

The Bill and answer in this Case were read and the arguments of Counsel heard on both Sides.

Eleanor Lee )  
v ) Bill  
Reuben Starke )

On motion of M<sup>r</sup> Hooker Complainants Solicitor ORDERED that this Case be referred to the Commissioner to examine and report whether there is any and what defect of the title to the land sold by left to Complainant as now mentioned in the Bill, and whether the defendant at the present time can make a good title to the said Land.

ADJOURNED TILL TOMORROW MORNING 10 O'CLK

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23rd JUNE 1813

WEDNESDAY MORNING, 23rd JUNE.

THE COURT met agreeable to adjournment

The minutes of Yesterdays proceedings were read- The Commissioner made the following REPORT  
The Commissioner begs leave to report that in pursuance of the order made at last Court requiring all Guardians who had obtained letters of Guardianship from this Court and had not accounted, to appear at the Present Court and account with the Commissioner concerning the several Estates in their hands "or to shew Cause why they have not at the present term." rules have issued against them accordingly and the following have appeared and accounted as required.

George Perry, Guardian of W. and S. Rutledge  
Sarah Starke Guardian of Thos. Starke Jr  
Benjamin Massey Guardian of Wm M. Gibson  
Samuel Scott Guardian of Mary Scott  
William Scott Guardian of Jn & Moses Cross  
Jsa Dinkins Guardian of Martha E. Langstaff  
James Bates Guardian of Jelm Bates  
Sarah Levy Guardian of Eliza Levy  
Jn Johnson Guardian of Aiden Tilman  
Lovick Jones Guardian of Wm & J. Middleton.  
The Commissioner further reports that the following Guardians have been served with rules but have not accounted  
Freeman Delane & Ann Delane Guardian of Ph. Hiron & Wm Hiron  
John Howell Jr Guardian of Sarah & Mary Howell  
Robert Coleman Guardian of Mich'd & Louise Coleman  
Wm Coppedge Guardian of Wm A. Coppedge.  
The Commissioner further reports that the following guardians have been returned "as not served with rules".  
Ezraiah Banter Guardian of Mary Banter  
William Beatty, Guardian of Elizabeth Farquin  
Samuel Fleming Guardian of J & B. Fleming  
Ann Watson Guardian of Richard & Maryway Watson  
John Querry Guardian of Thos. & Martha Querry  
Peter V. Querry Guardian of James & Jane Querry  
The Commissioner further reports that the following Guardians have died since obtaining letters of Guardianship, their

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Securities and Executors have been served with rules to account but have not accounted

Joseph Loby Guardian of Geo. White  
Josiah Perry Guardian of Eleanor Lee.

The Commissioner further reports that the following have obtained letters of Guardianship one Year past, the present term, but have not yet accounted.

Tific. Couliette Guardian of Ann Couliette, Christopher Couliette  
The Couliette, Jas. P Couliette, Mary Couliette, and William P. Couliette.  
Sarah Doby Guardian of Jno Doby Jr. Mary Doby Elizabeth Doby, Geo. Doby, Wm Doby & Cos. Doby  
All which is respectfully submitted

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Jno. Gill Co. r

Whereupon it is ORDERED that the rules to account as relates to John Howell Robert Coleman and William Coppedge, Joseph Doby and Josiah Perry be extended till next sitting of this Court. Also ORDERED that rules do issue against those Guardians mentioned in the above report who have been served with rules to account but neglected to do so requiring them to shew Cause at the next Court why an attachment should not be issued against them for a contempt of this Court, in not obeying the aforesaid rules. It is further ORDERED that the rules to account be renewed against all those Guardians who are designated in the above report as not found, and that rules to account with the Commissioner be issued against those Guardians who have obtained their letters of Guardianship one year past the present term,

Jesse Wren and Wife )  
v ) Bill  
Robert Carnes & Guardian )

In this Case the Court pronounced their decree of which the following is the decretal Part; IT IS ORDERED and DECREED that the defendant Robert Carnes is entitled to a

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Relief of the personal Estate left by the deceased intestate Mary S. White and of the deceased intestate Jane Wren and that the administrator Jesse Wren do account for said Estates with the Commissioner of this Court, and pay over what may be due to the Guardian of the said minor Robert Carnes.

CHARLES H. LIDE } PETITION

M<sup>r</sup> Lide presented to the Court his petition praying the Court to indulge him with a rehearing of a certain cause stated in the said Petition wherein Charles Loby administrator





rule. IT IS ORDERED by consent of the parties that in this case that the injunction obtained be continued as to the sum of one



hundred and eleven dollars until the further Order of this Court but that it be dissolved as to the balance of the sum for which it was obtained.

EX PARTE  
CHARLES M. LIDE } PETITION

The Court ordered that the prayer of the petitioner could not be granted by them at this time and place.

ADJOURNED TILL THE THIRD MONDAY IN FEBRUARY NEXT.

21st FEBRUARY 1814

At a Court of equity begun and holden for the united districts of Lancaster, Kershaw and Sumter at Kershaw Court House the 21st February in the year of our Lord one thousand eight hundred and fourteen

Present the honorable Wm D. James  
Mr John Gill the former commissioner having in the vacation departed this life, John Carter, presented his commission as successor to him which was as follows, VIZ:

STATE OF SOUTH CAROLINA,

By his Excellency Joseph Alston Esq.  
Governor & Commander in Chief in and over the State aforesaid.

To John Carter Esq.  
WHEREAS the Senate and House of Representatives of the State aforesaid did, by their joint ballot, in the House of Representatives, on the thirtieth day of November in the present year, duly elect you the said John Carter Commissioner and Register in Equity for Camden District in the State aforesaid.  
NOW BE IT KNOWN, that in pursuance of the said election I have commissioned and by these presents do commission you the said John Carter as Commissioner and Register in Equity for Camden District in the State aforesaid, TO HAVE, IN HOLD & EXERCISE

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the said office of Commissioner and Register in Equity as aforesaid together with all the powers, rights and privileges therunto belonging.

(L. S.) This Commission to Continue in force for four Years—  
Jos Alston. Given under my hand and the Seal of the State in Columbia this tenth day of December in the Year of our Lord one thousand eight hundred and thirteen and in the thirty eighth Year of the Independence of the United States of America.  
By the Governor  
D.J. Ravenel  
Secretary of State.

James W. Goodman ) Petition  
& Henry Abbott )  
Wm Sanders.

The petition and answer in this Case being read as well as the arguments of solicitors for the parties to the suit, the Court pronounced the following decretal order "It is ordered that the land stated in said petition be sold on a credit of three months by the commissioner at the house of Mrs Diggs in Sumter on the second Monday in April next and that the balance of the money after the payment of the debt due to the said William Sanders and Costs be applied to the payment of the Petitioner's debts and that in Case the money is not paid when due

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the Commissioner proceed to resell for Cash at the risk of the former purchaser.

William Coppedge )  
V. ) Bill for a division  
William A. Coppedge )

The Commissioners to whom a writ of Partition, in this Case, was directed made their return which upon motion of Stephen D. Miller Solicitor for the Complainant is ordered to be Confirmed.

Gilbert Pinkins et al )  
V. ) Bill for a division  
Barton Harris et al )

The return of the Commissioners appointed in this Case, to divide the land in question, was made and Confirmed and it is ordered that Left. John Adams pay the Costs of this Suit.

John Doby )  
V. ) Bill.  
S. Doby et al )

The Commissioners appointed in the writ of Partition last term made the following return, viz:

STATE OF SOUTH CAROLINA ) Pursuant to a writ to us directed  
LANCASTER DISTRICT ) we have proceeded to view and appraise the Estate of Joseph Doby deceased as therein directed and do recommend the division of Negroes as herein mentioned at the different Prices annexed to their names  
see other side

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Lot No. 1 J. Miller	
Bob G	\$480.
Louis	350.
Jim	300.
Phillis	350.
Van & Toney	300.
	1760.
Ant to J. Miller forw'd	\$1760.
Jim	200.
Seckey	150.
Wingo	150.
Seckey	100.
	2360.

LOTS Nos. 2 & 3 to the Children

NO 2. Simon	\$480.	NO3 LITTLE Tom	\$450.
Tom	350.	Cisero	375.
Winter	300.	Cuff	350.
Miah & John	375.	Beck	300.
Sam	200.	Lingo & Venis	300.
Primus	250.	Rachell	150.
Linda	125.	Eliza	150.
Lucinda	125.	Jim	175.
Mond & Dinah	100.	Jack	100.
	2345.		2750.

The above was executed by us Sept. 8th 1813.

Witness our hand and seals.

Benj. Harper (LS)  
(signed) Jeremiah Cureton (LS)  
Mike Ivy (LS)

Whereupon it is ordered that the same be Confirmed and that the said Children do pay to the said James Miller and Sarah his wife five dollars to give their shares equal to one half of the share of the said children.

The Commissioner also in this Case/ submitted a report of Sales made in Lancaster amounting to five thousand and nine-

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dollars and ninety five cents which report was confirmed and the Cotton therein mentioned ordered to be sold under the direction of the Commissioner.

EXOR3 PHIL. HAWKINS )  
V. ) Bill  
THOMAS SUMTER )

" William Payrant having been ordered to show cause why an attachment should not issue against him/ for not obeying a subpoena duces tecum requiring him to produce the official books of William R Davis Esq. former Sheriff of Camden District. For Cause, says that he was one of the securities in the Bond given by the said Sheriff upon his appointment to his said office, conditioned for the faithful discharge of his said office, &c. and that divers claims are made against the Estate of the said W. R. Davis (now deceased) on account of failures to discharge the duties of his said office faithfully; which claims if true would cause right of action on the bond aforesaid, against the said William Payrant and the said Wm Payrant says that the Est to of the said Wm R. Davis is insolvent, and that should any recovery be had against the said William Payrant upon the Bond aforesaid, he





could not obtain from the Estate of the said Davis any reimbursement of what he should have to pay upon such recovery. And the said William Heymant says that the if the said books were in his possession he believes he could not show them, without disclosing evidence, which might

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as to some of the said claims, operate against his own interest, and give to some of the claiming parties, the means, partly or wholly, of establishing against himself a right to a recovery upon the said bond. But the said William Heymant is not administrator, nor successor in office of the said E. R. Davis. Hooker & Levy for W. Heymant the Witness"

John Potts & B. J. Joore. ) Bill.

Jonah W. Atkinson et al )

On motion of Steph. D. Miller solicitor for the Complainants it is Ordered that the Commissioner be appointed Guardian ad litem to defend the rights of Mary G. Walter an infant in this case: also, ordered that the same be referred to the Commissioner to ascertain whether the sale made by Complainants be an advantageous one for the heirs Estate.

EXPARTE ) M. R. John Howell Guardian of Sarah T. Howell and JOHN W. BELL ) Mary Howell having been summoned to render an account to the Commissioner of this Court, of his Guardianship, and it appearing to the Court that the said John Howell resides in Columbia District, it is ORDERED that the Guardianship Bond entered into by the said Howell be transferred to the Commissioner in Equity for Columbia District instead

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of accounting to the Commissioner of the District.

EXPARTE ) Needham Keels ) Petition for a Sale of Land.

Upon motion of Stephen D. Miller solicitor for the Petitioner ORDERED that the same be referred to the Commissioner to ascertain whether the sale of said Land would be beneficial to the minor.

EXPARTE ) W. M. COPPEDGE ) Rule to shew cause why he has not made a return as Guardian of William Alfred Coppedge. UPON motion of Stephen D. Miller it is ordered that the rule in this case be extended until the first day of next June term.

John Adamson et al ) Bill for Partition.

Sarah Alexander et al ) On motion of Defendants solicitor it is ordered that Sarah Alexander be appointed Guardian ad litem of the other Defendants who are minors.

Wilson West et Uxor ) James Spiveator exor. ) Petition for a Legacy. / Sherry Spiveator )

ORDERED that this petition be referred to the Commissioner to report on the same.

ADJOURNMENT WILL BE AT TWO O'CLOCK THURSDAY MORNING.

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## FEB. TERM 1814

MONDAY 27th FEBRUARY.

THE COURT MET FOR HEARING TO ADJOURNMENT.

EXPARTE ) WILIE VAUGHAN ) Petition for Guardianship

Wilie Vaughan having petitioned to be appointed Guardian of the Estate of his two children J. L. C. Vaughan and Julia C. Vaughan infants under the age of fourteen years and

entitled to a Considerable real and personal Estate by the last Will and testament of Richard L. Champion deceased, it is Ordered that the said Wilie be accordingly appointed upon his giving a Bond with sufficient security for the faithful discharge of his duties.

## EXPARTE

Leonora Whipple ) Petition for Guardianship

James Whipple ) M. R. Miller presented the petition of James Whipple and Leonora Whipple praying to be appointed Guardians of William P. Williams an infant under the age of fourteen. Upon hearing said Petition it is ordered that the Petitioners be appointed Guardians of said infant upon their giving bond with security for the faithful performance of their duty.

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Ann Barwick ) Bill

Ch. Miller & McGayle )

In this case the arbitrators appointed having made following award

"We the arbitrators appointed in this case do award that the Complainant do recover from the Estate of William Gayle deceased the sum of five hundred and eighty eight dollars in full of all demands she has against the said Estate other than her distributive Share thereof, her title to which we have not considered. If Wm Gayle's Estate has made any payment to John Gayle on a mortgage of Mrs Barwick then the same is to be deducted from this sum."

2d Feb: 1814

Jno. Singleton  
Feuben Long  
Richard Moore  
W. G. Richardson "

(Signed)

It is ORDERED that the same be confirmed and that it be referred to the Commissioner to report what sum ought to be allowed the Estate of William Gayle on account of any payments ordered to be deducted from the award on account of monies paid on the mortgage of Mrs Barwick and that it also be referred to the Commissioner to report on the accounts of the administrators. It is further ORDERED that the administrators do sell all the personal Estate-property of the Estate.

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Mary White & Isabella H. White ) Bill for relief & payment of a Legacy.

Martha White et al )

On motion of Stephen D. Miller it is ORDERED that this Case be referred to the Commissioner to ascertain what is due to said Complainants, from whom it is to be received and what fund the same is to be paid out of

Admors. Raiborne ) Bill

Opry & Teasdales )

Cause abated by death of defendants Opry and John Teasdale Senior.

John Doby ) Bill

S Doby et al )

On motion of Mr Blanding Complainants solicitor ORDERED that the reference in this Case to the Commissioner as far as relates to the Copartnership accounts be continued

Samuel Kelle et al ) Bill

Thomas Porter et al )

It is ordered that the negroes ordered to be sold by the decretal order of the last Court be sold on the first Monday in April next for Cash and that the monies due the Complainants be paid over to them as soon as the same shall be received by the Commissioner.

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Chapman Levy ) Bill On motion of Mr Hooker ORDERED that the Sarah Levy + Elizabeth Levy



MS  
Commissioner do examine whether the Sale of the real Estate ordered by the decrees of the Court in the above Case has been effected by the former Commissioner, how much of the said decree remains not yet complied with and that he do report on the same.

JOHN RAMSAY )  
v. ) Bill.  
WILLIS RAMSAY ET AL )

The Arbitrators having made the following reward "We have considered all the claims of John Ramsay against the personal Estate of Willis Ramsay deceased which came into the hands of W. Ramsay the surviving administrator of the said Willis Ramsay deceased, and for his share or one seventh part of the negroes of the said Estate we do award him the sum of eight hundred and eighty three dollars to be paid out of the said Estate. All the claims of the said Estate against the said John Ramsay are considered as discharged by this award, and all his claims to any of the property claimed by the said administrator as a part of the said Estate ~~which~~ are also discharged. In this award is not included any claim which John Ramsay has for a Share of Allen Ramsay's Estate. The above sum of eight hundred and eighty three dollars is to be paid in two equal instalments of one and two years with interest from the date and the negroes in the hands of all the other heirs which were of and belonging to Willis

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Ramsay deceased are bound for the payment of this award."

signed Reuben Long  
Richard Moore  
John Greening

IT IS ORDERED that the defendants do on tomorrow shew cause why the same should not be confirmed.

EXORS. PHILIP HAWKINS )  
v. ) Rule on Witness to shew Cause  
THOMAS SUMTER. )

On hearing arguments of Counsel on both sides of this question it was considered that the cause shown by William Mayrant in this Case was insufficient and it is therefore decreed that said Mayrant stands out in Contempt of the Court and that an attachment must issue ag't him.

PHILIP CAROLIN )  
v. ) Bill This Case continued at the instance of  
FRANCIS HATTON ) Complainant. also referred- see docket

JOHN POTTS & BEN JOOR )  
v. ) Report  
JOHAN N. Atkinson et al )

The Commissioner in this case reported and upon motion of Stephen D. Miller his report was confirmed, and thereupon it is ORDERED & decreed that the said John Potts and Benjamin Joor, Executors of John C. Walter do execute titles to the said Lewis Ballard and Presley Garner pursuant to the condition of their Bond and that they do bind, the Estate of the said John C. Walter to warrant the said titles so that no personal liability shall attach to

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the said John Potts and Benjamin Joor to warrant the said titles, and that the Costs of this Suit be paid out of the purchase money of the said Land.

N. H. DICKINSON )  
v. ) Bill.  
ELIZABETH MAPLES ET AL )

Order for Sale in this Case extended.

The Court adjourned till tomorrow 11 O'Clock.

Wednesday 23rd February 1814

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JOHN RAMSAY )  
v. ) Rule to shew Cause  
WILLIS RAMSAY ET AL )

The rule to shew Cause why the award returned in this Case should not be confirmed which was returnable this day, was taken up & the same ordered to be confirmed. It is further ORDERED that the accounts of the Estate of Allen Ramsay be referred to the Commissioner to report thereon: It is further ordered that a writ of Partition do issue directed to Mathew Moore, Wm G. Richardson, John Greening, John Williams and William Falconer to divide the real Estate of Willis Ramsay deceased.

JOHN RAMSAY )  
v. ) Reference.  
GEO. J. Mc CAULEY )

In this Case the Commissioner submitted his report to which the Defendant made the following exceptions.

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[The first half of this page is blank in original No.]

They were argued and the Court sustained the fourth and overuled the first, second, third and fifth.

The Commissioner having corrected his report according to the Exception sustained, it is thereon Ordered and decreed that the Complainant do recover against the defendant the sum of six hundred and eighty three dollars and six cents and interest from this day. And

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It is further ordered that the seven negroes belonging to the Copartnership be sold on a credit of xxxxxx six months, the purchaser to give bond and good security, and a resale for Cash to be made in case the money is not paid when due at the risk of the former purchaser, and that it be referred to the Commissioner which of the Copartners has had the use of the seven negroes since the year 1811 and what has been the value of their service, and that the Commissioner do divide the notes due the Copartnership into two equal parts and deliver one of those parts to each of the Copartners.

The State )  
v. ) Sci. Fa.  
The Catawba Company )

On motion of W. Johnson on the part of the State, Ordered that he have leave to amend the original Sci. Fa. by inserting in the last page immediately after the words "or any part thereof" the following words or clause, "to wit; so as to render the navigation of the said Rivers practicable and safe. But the said Company availing themselves of the provisions of the said acts of the Legislature vesting in them the vacant Lands within two Miles of the said Rivers from the Camden Ferry to the North Carolina line, have sold, disposed of and applied to their own use, benefit & advantage divers, large and valuable tracts of Land which were vested in them by the aforesaid acts on the faith that they would render the said rivers navigable.

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ORDERED also that the said Company for the opening the navigation of the Catawba & Wateree Rivers do plead, answer or demur to the said Sci. Fa. as amended on or before the first day of May next, and that if they fail or neglect so to do that the same be taken pro Confesso.

ELIZABETH LEE )  
v. ) Bill Continued at the instance of the Defendant  
REUBEN STURGE )

BENJAMIN PRAFFIN ET AL )  
v. ) Bill.  
MARY BRADLEY ET AL )

Ordered that the rule of Reference in this Case be extended, and that James Griffin be examined by Commission do be esse.





THE COURT ADJOURNED TILL 12 O'CLOCK A. M.

THURSDAY 24.th FEB. 1814

James Davis and )  
 Philip Carolan & )  
 Wife Exors Benj.a Davis )  
 V. ) BILL  
 James B. Richardson )  
 & Charles Richardson )  
 Exors. J. P. Richardson )

On motion of Defendants solicitors it is ordered that they have until the 15.th day of May next to answer this Bill and that in default thereof the order that the

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Bill be taken pro Confesso be made absolute & the same be referred to the Commissioner

Wilson West et Ux. )  
 V. ) Petition for a Legacy.  
 James Sylvester )  
 Exor A Sylvester )

The Commissioner's Report in this Case was heard and confirmed and thereupon it is ORDERED that the Defendant do deliver the property prayed for upon the Complainant giving the Commissioner proper security for the preservation of the remainder over

Mary White and )  
 Isabella H White )  
 V. ) BILL.  
 Martha White et al )

Upon an examination of this Case under the reference made in it, doubts arising as to the right objects of enquiry before the Commissioner it was agreed by the parties to suspend the enquiry and bring the cause before the Court this day - witnesses were examined in open Court, the Cause fully heard, after which the papers produced were put into the hands of his Honor to assist him in forming a decree thereon -

On suggestion of the Gentlemen of the bar it is ordered that the Commissioner of this Court do acquaint his Excellency the Governor of South Carolina of the need which this Honorable Court has of a seal to authenticate and solemnize its proceedings, and that his Excellency be requested to furnish one and have the same transmitted to the Commissioner

ADJOURNED TILL THE THIRD MONDAY IN JUNE NEXT.

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At a Court of Equity begun and holden at Kershaw Court House for Camden district on the 20.th day of June in the year of our Lord one thousand eight hundred and fourteen. Present, THE HONORABLE THOMAS WATIES ESQUIRE.

MARCISSUS GRAHAM )  
 V. ) Bill On motion of M.r Blanding defendant's  
 JOSEPH GUNTEY ) solicitor and by Consent of M.r Miller  
 solicitor for Complainant the order  
 that this bill be taken pro confesso  
 was set aside and the case referred.

EXPARTE )  
 NEEDHAM KEELY ) Petition for Guardianship  
 and his wife )

Upon hearing the Petition in this Case it is ordered that the petitioners be appointed Guardians upon their giving the proper security.

EXPARTE )  
 MARGARET VAUGHAN )  
 & JOHN B. MILLER ) Petition.  
 EXORS. HENRY VAUGHAN )  
 DECEASED.

On hearing the petition in this Case it is ordered that it be referred to the Commissioner to report as to the proper investment and application of the funds of the Testator.

Reuben Long admor & )  
 Rebecca Darrington Adm.x )  
 of Tho. Darrington dec'd )  
 V. ) BILL  
 John Darrington et al )

The Defendants Robert James, Lorenzo James and Thomas James being infants under the age of twenty one years, it is ordered, on motion of M.r Blanding, that

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John Darrington be appointed be appointed their Guardian ad litem: it is also ordered on motion of M.r Tillman Solicitor for the Complainants and with the consent of M.r Blanding that this Bill be referred to the Commissioner to report thereon as to the fund out of which the debts of the Testator are to be paid.

John McDonell )  
 V. ) BILL.  
 Andrew Hannah )

This case improperly on the docket the defendant being resident in Charleston.

ELEAZER LEE )  
 V. ) BILL.  
 REUBEN STARKE )

THIS Case Continued.

William P. Brown )  
 V. ) BILL- On motion of  
 Hartwell Macon admor. ) Stephen D. Miller  
 and the heirs of W.m Capers ) solicitor for the heirs of  
 William Capers it is ordered  
 that the order that the Bill be taken Pro Confesso be set aside as to the def.t Hartwell Macon and the infant defendants and that the defendant Hartwell Macon have further time to answer.

John Adamson and others )  
 by their next friend John ) On motion of M.r Levy sol.r  
 Adamson ) for the defendants it is or-  
 V. ) dered that they have until  
 Sarah Alexander et al. ) BILL the first of September to  
 file their answer to this  
 SECRET Bill.

THE COURT ADJOURNED

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TUESDAY 21.st JUNE.

THE COURT MET JOCEABLY TO ADJURNMENT.

EXPARTE )  
 MARGARET VAUGHAN & )  
 JOHN B. MILLER EX.X & EXOR.) Report.  
 OF HENRY VAUGHAN )

The Commissioner in this Case submitted a report which was ordered to be Confirmed.

William P. Brown )  
 V. ) On motion it is ordered that the  
 Samuel Capers ) Commissioner of this Court be ap-  
 Richard Capers ) pointed the guardian ad litem  
 Benjamin Capers ) of the above named infant  
 Legrand Capers ) Defendants.  
 Mary Capers. )

James Davis & Philip )  
 Carolan & his wife )  
 V. )  
 James B. Richardson ) BILL  
 & Charles Richardson )  
 Exors. J. P. Richardson )

M. R. Dickinson )  
 V. ) BILL  
 Elizabeth Maples )  
 and others )

On motion of M.r Deas solicitor, and on hearing a Petition



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For that purpose in this case read, and by the consent of the minors expressed in open Court it is ordered that Matthew James be appointed Guardian in open Court it is ordered that Matthew James be appointed Guardian to Elizabeth Maples and Thomas Maples minors, on his giving the usual security. And that the Commissioner of this Court do pay over to him such proportion of the sale made in pursuance of the decree in the above Case as they shall be respectively entitled to.

JOHN FERGUSON }  
 & JOHN FYLAMT }  
 v. } Bill  
 BURRELL FORT & }  
 DAVIS COLLINS }  
 EXORS JOHN HIGH }

JOHN FERGUSON }  
 & JOHN FYLAMT }  
 v. } Bill and Demurrer  
 BURRELL FORT }

Upon the argument of this Case it is ordered that the demurrer be overruled and that the defendant do answer over.

EX PARTE }  
 Needham Keels } Petition. In this case the Commissioner to  
 Guardian } whom this petition had been referred  
 } ed having reported in favour of  
 a sale of the land, it is therefore ordered that the Guardian do  
 take the land at the price of two dollars pr acre should it not  
 at public sale sell for more, in which Case he shall account for  
 the overplus at such sale; and it is further ordered that the  
 said Land be sold by the Commissioner upon a credit of three  
 months, that

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purchaser giving bond with security.

EX PARTE }  
 WILLIE VAUGHAN } Petition  
 }  
 On hearing the Petition in this Case it is  
 ordered that it be referred to the commissioner to report whether  
 it would be for the benefit of the infants named in the petition  
 that the Contract made between Richard Lloyd Champion and the Petitioner  
 should be extended to the infants, and further whether  
 it would not be for the benefit of the infants that the said contract  
 as it related to R. L. Champion should not as between said  
 infants and Petitioner be extended to a longer time and how long  
 a time.

THE COURT ADJOURNED

WEDNESDAY, 22.d: JUNE

THE COURT MET /GREETABLY TO ADJOURNMENT.

EX PARTE }  
 BENJAMIN BINEHAM } Petition  
 EXOR R. L. Champion }

On hearing the petition in this case read  
 and on motion of M.r Blanding it is ordered that the same be referred  
 to the Commissioner to report thereon

Narcissus Graham }  
 v. } Bill  
 Joseph Cantey }

It is ordered that the defendant in this  
 case have leave until the first day of September to put in his  
 answer.

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John Payrant Jun.r }  
 and his wife } Bill  
 v. }  
 Mary Rees et al }

Upon motion of Stephen D. Miller  
 solicitor for Complainants it is  
 ordered that this case be referred  
 to the Commissioner to report what  
 the Complainants are entitled to

out of the personal property of William Rees deceased and it is  
 further ordered that a writ of Partition do issue to divide the  
 real Estate of the said William Rees which he died possessed of  
 between the Complainants and defendants directed to John O. Heriot  
 James W. Murrell Elmathan Haskell and John Moran and that they  
 make their return thereto at the next sitting of this Court.

Thomas Samuel }  
 & Hannah his wife }  
 v. } Bill for a legacy.  
 Tho. Boone Exor. T. Boone }

On motion of Messrs Hooker & Levy  
 for Complainants and by consent of Messrs Blanding and Pridemore  
 for defendants it is ordered that the above case be docteted.

James Chambers admor. }  
 Elizabeth Chambers } Bill.  
 James Davis admor }  
 John Wallace et al }

It is ordered that the above Case be  
 referred to the Commissioner.

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EX PARTE }  
 Benjin Bineham Exor } Report on Petition  
 R. L. Champion dec.d }

On hearing the report of the Commis-  
 sion in this Case it is ordered that the same be confirmed.

Benjamin G. Joor & Wife }  
 v. } Report  
 John Potts exor. J. C. Walter }

On hearing the Commissioner's re-  
 port in this Case it is ordered that it be confirmed generally  
 and that the said B. G. Joor and his Wife, by their Consent do  
 pay one half the expences of this suit.

Ben. G. Joor admor. W. D. Walter }  
 v. } Report  
 John Potts Exor. John C. Walter }

On hearing the Commissioner's report  
 in this Case it is ordered that the same be confirmed generally.

EX PARTE }  
 WILLIE VAUGHAN } Report on Petition

On hearing the report of the Commissioner in  
 this Case it is ordered on motion of M.r Levy that the same be  
 confirmed.

Lewis Dinkins }  
 v. }  
 Zachariah Cantey et al }

On motion it is ordered that

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the above Case be referred to the Commissioner to report whether  
 it would be expedient and proper to grant the prayer of the Com-  
 plainant's Bill and to what extent it should be granted

John Ramsay }  
 v. } Report  
 Geo. J. McCauley }

The Commissioner reported in this case pur-  
 suant to the order of reference and defendant having excepted  
 thereto his exception was overruled by the Court and the Report  
 confirmed.

Elizabeth Minton et al. }  
 v. } Bill  
 David Perkins et al }

It appearing to the Court that James Holmes  
 one of the defendants in this Case resides without the limits of  
 this State it is therefore ordered that he do appear to this Bill  
 on or before the day of next to file his plea,





answer or demurrer and in default thereof that the Bill be taken  
Pro Confesso.  
Ben. Franklin et ux. )  
v. ) Bill Continued by Consent  
Mary Bradley et al. )  
Jonah M. Atkinson & Wife )  
v. ) Bill  
John Fotts Exor J. C. Walter )  
This Case was argued and ordered to be  
dismissed with Costs.

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Reuben Long admor. and )  
Rebecca Dearington Adm.x )  
of Tho. Dearington dec'd )  
v. ) Bill  
John Dearington et al )  
This Case was argued on exceptions by both  
parties to the report of the Commissioner. The second Exception  
on the Part of the Complainants was sustained and the report in all  
others Parts confirmed

see decree Book

ADJOURNED TILL THE THIRD MONDAY IN FEBRUARY NEXT

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## FEBRUARY TERM 1815

At a Court of Equity begun and holden for Camden District the 20th  
day of February in the year of our Lord one Thousand eight hundred  
and fifteen--

Present the Honorable Thomas Waties Esq.

James Gibson & )  
Martha his Wife ) Petition  
v. )  
James Sylvester & ) for  
James Gay Exors. & )  
Joseph Sylvester & ) Partition  
Mary Sylvester devisees )  
of Jos. Sylvester dec'd )

On motion of Messrs. Blanding & Frioieau and with the  
Consent of James Sylvester ordered that the said James be appointed  
Guardian ad litem of Joseph Sylvester and Mary Sylvester two of the  
defendants who are infants.

On motion of Messrs. Blanding and Frioieau for Peti-  
tioners and by consent of James Sylvester and James Gay and of James  
Sylvester the Guardian ad litem of the infant defendants it is order-  
ed that a Writ of Partition do issue in this case directed to John  
Moore, William Moore, James Barnes, Thomas Polk and Asa Dinkins-

Exor. Philip Hawkins )  
v. ) Bill  
Thomas Sumter et al )

On motion of Stephen D. Miller it is ordered that John  
B. Miller Esq. be appointed Guardian to Henry Vaughan and John A.  
Vaughan ad litem and that he have leave to file his answer instanter.

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## FEBRUARY TERM 1815

The State )  
v. ) Seire facias.  
The Catauba Company )  
Subpounded by act of the Legislature  
James Davis, Philip )  
Carolán & his Wife )  
Vs ) Bill Rule of reference extended.  
Exors. J. P. Richardson )

John Adamson et al by )  
J. Adamson their next friend )  
v. ) Continued  
Sarah Alexander et alios )  
Eleanor McQueen )  
v. ) Bill Referred  
Charles Spann et ux. )  
and John Moran. )

Rush Hudson ) Continued on the affidavit of the Defendant.  
v. ) Bill  
Edward Watson )  
Charles Miller )  
v. ) Bill. Continued  
Joanna Gordon )  
Wilson West et ux )  
v. ) Bill Referred.  
Ezra Ashberry Sylvester )  
R. W. Carter et ux. )  
v. ) Referred  
admor & admix T. Dearington )

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The same )  
v. ) Bill. Referred.  
The Admix Wm Rees )  
Philip Carolán et ux. )  
v. ) Bill Referred.  
James Davis and )  
Exors. J. P. Richardson )

ExParte ) Petition for sale of Land.  
William Flagler )

Upon hearing the above Petition and upon motion  
of Stephen D. Miller for the Petitioner it is Ordered that the  
same be referred to The Commissioner to report whether the sale  
prayed by the petitioner would be for the benefit of the minor  
Children and the Widow who are the persons interested in the same.

THE COURT ADJOURNED TILL 10 O'CLOCK TOMORROW.

TUESDAY 21.st FEBRUARY 1815.

THE COURT MET AGREEABLY TO ADJOURNMENT

Winyan Indigo Society )  
v. ) Bill  
Wm James Exor Rm Ford )

On motion of Wm Blanding for the defendant it is  
ordered that the defendant have leave to file a supplemental  
answer and that publication do pass.

John Chambers ) The Commissioner in this Case having  
Admor E. Chambers ) reported, it is ordered that the same  
v. ) Bill be confirmed and it is ordered and  
James Davis admor. ) decreed that the defendant James  
John Wallace et al. ) Davis do /pay/ to the Complainant the  
sum reported due.

## FEBRUARY TERM 1815

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Philip Carolán )  
v. ) Bill Referred.  
Francis Hatton )  
John McDonnell )  
v. ) Bill for an Injunction  
Andrew Hanrah )  
This Case was argued in open Court on demur-  
er and the injunction dissolved-  
Archibald McKissack )  
v. ) Bill  
Richard Battis et al )  
Continued with leave to the Complainants  
to add other parties.  
John Mayrant & Wife )  
v. ) Bill  
Mary Rees et alios )  
On motion of Stephen D. Miller Solicitor for  
the Complainant it is ordered that the return made by the commis-  
sioners appointed to divide the real estate be confirmed and the



report of the Commissioner in Equity to whom the Claims of the Complainant to the personal Estate was referred be also confirmed.

EXPARTE ) Petition for a Guardian  
Martha A. English )

On hearing the Petition in this Case it is Ordered that Thomas English be appointed Guardian to his daughter the Petitioner on the usual terms.

EXPARTE ) Report on Reference.  
Wm Flagler )

On motion of Stephen D. Miller it is Ordered that the report of the Commissioner in this case be confirmed.

EXPARTE )  
Orlando S. Rees ) Petition for a Guardian

The Petitioner being a minor over the

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## FEBRUARY TERM 1815

age of Fourteen years having appeared and signified his desire that Charles Lynch Esq. should be appointed his Guardian generally and the said Charles Lynch being in Court and signifying his assent to the said appointment as Guardian it is therefore Ordered that the Prayer of the Petitioner be granted and that the said Charles Lynch Esq. be appointed Guardian accordingly upon the usual security being given by him.

Philip Carolan et ux. )  
V. ) Bill. Ordered that in th's case the  
James Davis and the Exors ) defendant have till the tenth  
of John P. Richardson. ) day of May next to file their  
answers.

John Feruson )  
& John Lyiant )  
V. ) This Case was argued by the  
Burwell Port Exor. ) solicitors on both sides and  
of Joseph High ) the case reserved.

Admor Eliza Dearington )  
V. ) Bill.

Mary Rees adm.x W. Rees )  
On motion of Stephen D. Miller it is ordered that  
the defendant Mary Rees have until the 22.d day of March next to  
file her answer and that the same be referred to the Commissioner  
to report on the amount due the Complainant.

Benjamin Franklin et ux )  
V. ) Bill Cont.d by Complainant.  
Mary Bradley et al )

John Pitts )  
V. ) Bill. Continued by Complainant with leave to  
N. P. Pool ) examine in Chief Gabriel Long and Douglas  
Starke.

Admor W. M. McDonald )  
V. ) Bill. Continued  
Middleton McDonald et al )

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Ann Barwick )  
V. ) Bill Continued  
Ch. Miller & M. Gayle )

Wm P. Brown )  
V. ) Bill  
The Admor. & heirs ) This Case was argued & reserved.  
of Wm Capers )

THE COURT ADJOURNED

WEDNESDAY 22.d FEB. 1815

THE COURT MET AGREEABLY TO ADJOURNMENT.

Winyaw Indigo Society )  
V. ) Bill Continued  
Wm James Exor Wm Ford )

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Exor. Philip Hawkins )  
V. ) Bill Continued  
Thomas Sumter et al )

Moses Ward )  
V. ) Petition Continued  
Joseph Gillespie )

Holloway James )  
V. ) Bill Continued  
John Mayrant et al )

Eleazer Lee )  
V. ) Bill for an Injunction  
Reuben Starke )

On motion of James S. Deas Solicitor for Defendant and on reading the report made in this Case it is ordered that the injunction be dissolved each party paying his own Costs.

## FEBRUARY TERM 1815

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Wm Powell Brown )  
V. ) Bill  
The heirs of Wm Capers )

In this Case the Complainant having proved the bond and mortgage upon which His Bill is filed it is ordered and decreed that the defendants do pay to the Complainant the sum of two thousand dollars with interest thereon from the first day of January in the year of our Lord one thousand eight hundred and eleven, on or before the second monday of March next, and in case of failure so to do, that the Commissioner of this Court do sell the mortgaged premises on a Credit of nine months with good personal security and in case the purchaser shall not pay the money when due, resales to be immediately & continually, made for Cash at the risque of the former purchaser, until the money and interest shall be raised. And it is further ORDERED that the purchaser under the mortgage aforesaid shall hold the mortgaged premises discharged from the Claim of dower of the Defendant Hannah Capers The Widow of the said William Capers- And it is further Ordered and decreed that the Claim of the Complainant against the personal Estate of the said William Capers for any deficiency in the proceeds of the mortgaged premises be reserved.

Lewis Ballard )  
V. ) Bill.  
Presley Garner )

In this Case Stephen H. Boykin was Examined for the Complainant and Wright Tyoen, John Potts and Wm Langley Sen. for the Defendant and the Court took time to consider of the Case.

Nancy McKnight )  
by her next friend )  
V. ) Bill

John McKnight )  
It appearing to the Court that John McKnight  
the defendant in this case resides

## FEBRUARY TERM 1815

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Without the limits of this State it is therefore ordered that the said John McKnight do appear to this Bill on or before the third Monday in June next to file his Plea, answer or demurrer and in default thereof that the Bill be taken pro Confesso.

Hartwell Macom )  
V. ) Bill Continued  
Thomas Waties )

Elizabeth Minton et al )  
V. ) Bill  
David Perkins et al )

It appearing to the Court that James Holmes one of the defendants in this Case resides without the limits it is therefore ordered that he do appear to this Bill on or before the first monday in June next to file his plea, answer or demurrer, and in default thereof that the Bill be taken pro Confesso as to him.





It appearing to the Court that the Commissioner has never been furnished with a seal of the Court, it is therefore ordered that he do make application to the Governor to furnish one.

Peter Keen }  
v. } Petition  
Thomas Eveleigh }  
& Ann Eveleigh }

On motion of Mr Tillman it is Ordered that this petition be taken pro Confesso and referred to the Commissioner to report thereon.

Narcissus Graham }  
v. } Bill Referred  
Joseph Canley }  
The Court Adjourned

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23.d FEBRUARY 1815

## THE COURT MET AGREEABLY TO ADJOURNMENT

John Ramsay }  
v. } Bill.  
Willis Ramsay et al }

The Commissioners named in the Writ of Partition having made the following return.

We the Commissioners named in the annexed Writ, being well acquainted with the situation of the three tracts, the Manifest inconvenience that would arise to the heirs from a division of the said Lands, on account of the smallness of the respective shares, do recommend that the whole of the said three tracts of Land (with the exception of the widow, Mrs Elizabeth Ramsays portion of the tract of five hundred acres,) be sold at public auction on a credit of one, two and three years with interest from the day of sale.

Manchester 11.th February 1815.

Mathew Moore  
R. J Williams  
John Greening  
Wm G. Richardson  
William Falconer

It is ordered that the same be confirmed and that the real Estate therein mentioned be sold on the Credit therein recommended in such parts as the Commissioner shall believe most for the interest of the respective parties.

JOHN RAMSAY }  
v. }  
WILLIS RAMSAY } Report confirmed  
Admor A. RAMSAY }

The Commissioner having made his Report in this case it is ordered that the same be Confirmed and that the said John Ramsay

FEBRUARY TERM 1815

do recover from the said Willis Ramsay administrator the said sum of three hundred and eighty one dollars and sixteen Cents with interest thereon from the twentieth day of February 1815

Lewis Dinkins }  
v. } Bill  
Josh. Canley et al }

Ordered that the report of the Commissioner in this Case be Confirmed and that the Cost of this suit be Paid out of the funds of the Children mentioned in the Will and in the hands of the administrator. And it is further ordered that the accounts of the administrator be referred to the Commissioner.

Holloway James }  
v. } Bill.  
John Hayrant et al }

On motion of Mr Tillman Complots Solicitor in this Case it is ordered that a rule do issue to William G. Richardson requiring him to shew cause on the first day of the next

term of This Court why he hath failed to attend as a Witness in this case and in default so to shew cause that an attachment do issue against him.

JUNE TERM 1815

At a Court of Equity begun and holden for Canton District at Kershaw Court house the nineteenth day of June in the year of our Lord one thousand eight hundred & fifteen.  
Present the honorable William D. James Esquire.

BENJAMIN FRANKLIN ET UX }  
v. } Bill.  
MARY BRADLEY ET AL }

The Commissioner having made a report in this Case it is ordered that the said report be confirmed and thereupon it is ordered and decreed that the Complainants do recover the said negro slave named Tom and that the same be settled to the separate use of the Complainant Susanna during her natural life, remainder over to the Complainant Benjamin during his natural life, remainder over to the issue of their bodies. And it is further ordered and decreed that the Complainants do recover against the defendants Mary Bradley the sum of one hundred and eighty five/seventy four/ dollars and eighty seven /thirty five/ Cents.

JOHN RAMSEY }  
v. } Bill  
WILLIS RAMSAY }  
and others } The Commissioner in this Case having made a report of sales made under order of the Court the same is ordered to be confirmed.

Mary White and }  
Isabella E. White }  
v. } Bill. Order of reference extended.  
Martha White et al }

Philip Carolan }  
v. } Bill  
Francis Hatton } Settled between the Parties-

James Davis and Philip Carolan }  
and wife }  
v. } Bill  
The Executors John P. Richardson }

Order of reference extended on cause shown.

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John Adamson et al }  
by John Adamson their }  
next friend }  
v. } Bill  
Sarah Alexander et al }

On motion of Hooker and Levy it is ordered that Sarah Alexander be appointed guardian ad litem of the defendants Henry D. B. Alexander and Isaac B. Alexander infants under the age of fourteen years.

The Same }  
v. }  
The Same } The answers having been filed in this Case it is ordered that it be referred to the Commissioner to report whether it will be for the benefit interest of the Parties concerned that a sale should be made of the lands in question and the proceeds divided among the said parties.

WILLIAMS }  
CHARLES LYNCH }  
Guardian of Orland } Petition  
S. Rees }

On motion of Stephen D. Miller Esq it is ordered that this petition be referred to the Commissioner to report whether the sale prayed for be for the benefit of the ward of the petitioner and that terms the same should be effected upon most beneficial to the said ward.



CHARLES MILLER }  
v } Bill  
JOSHUA GORDON }

In this Case the Bill and answer were read, witnesses examined, the Case argued and reserved.

HARTWELL MACON }  
v } Bill  
THOMAS WATIES }

Referred and continued  
The Court adj.d till 10 O'Clock tomorrow.

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TUESDAY 20.th JUNE 1815.

The Court met agreeably to adjournment.

CHARLOTTE COLLINS }  
v } Bill for Partition  
JOS. PATTERSON ET AL }

ORDERED that Raleigh Hammonds be appointed Guardian ad litem of the defendants Willie Collins and Alithea Collins who are minors.

WILLIAM P. BROWN }  
v } Bill for a foreclosure  
THE AD'OR. and heirs of W.m Capers }

On hearing the exceptions to the Commissioner's report it is ordered that the said exceptions be sustained and that the Commissioner do correct his report by charging the Estate of William Capers with Commissions at the rate of five per cent on the sum raised on /the/ sale of the mortgaged premises for which a credit was given.

EXPARTE }  
CHARLES LYNCH GUARDIAN } Report on Petition  
OF ORLANDO S. REES }

On motion of Stephen D. Miller it is ordered that the report of the Commissioner be confirmed and that the Guardian do sell the said lands to the best advantage taking mortgage of the premises sold, if sold on a credit

ALEXANDER W. GARDEN }  
v } Petition for Partition  
Errors and Legatees of Tho. }  
N. Johnson deceased }

On motion of James S. Deas Solicitor for Petitioner it is ordered that Matthew James be appointed Guardian ad litem to Thomas Johnson a Minor.

The Same }  
v }  
The Same } On motion of James S. Deas Solicitor for the Petitioner it is ordered that two writs of Partition do issue in the above case one for Sumter and another for Orangeburg

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district returnable at the next sitting of this Court and that Robert Brailsford, William McCormico, Christopher McCormico, Benjamin Tarrant and Richard Moore be appointed Commissioners to execute the same.

ELEANOR MCQUEEN }  
v } Bill.  
CHARLES SPAIN & WIFE }  
& John Haran }

Continued by consent and for want of evidence.

MORDICAI CONEN }  
v } Bill Referred and continued  
JOSEPH GATHEY }

Winaw Indigo Society }  
v } Bill Continued  
W.m James Exor. W.m Ford }

CHARLES MILLER }  
v } BILL  
JOSHUA GORDON }

In this Case the Court Delivered their decree on the arguments heard yesterday.  
(see Decree Book)

~~THE COURT DELIVERED~~

Theodore Gourdin }  
v } Bill  
John Mayrant et al }

On motion of Stephen D. Miller Solicitor for defendants it is ordered that the order that the Bill be taken pro Confesso in this case be set aside on the usual terms.

Nancy McKnight }  
by her next friend } Bill discontinued  
v. }  
John McKnight } The Court adjourned

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WEDNESDAY 21.st JUNE 1815.

THE COURT MET AGREEABLY TO ADJOURNMENT.

RUSH HUDSON }  
v } Bill dismissed  
EDWARD WATSON }

HOLLANDAY JAMES }  
v } Bill  
JOHN MAYRANT ET AL }

William G. Richardson having failed to appear and shew cause under a rule of this Court upon him served for that purpose it is therefore ordered that an attachment do issue against him returnable on Thursday morning next the twenty second day of June instant at 10 O'Clock.

HUGH MCQUEEN ARMOR. }  
WILLIAM McDONALD } Bill  
v }  
WIDMINGTON McDONALD ET AL }

ORDERED that this Case be referred to the Commissioner. Also ordered that an attachment do issue against Widdington McDonald for a contempt of the Court in not filing his plea, answer or demurrer in this Case in obedience to a writ of subpoena requiring him so to do.

WILSON West and Wife } Bill dismissed with Costs.  
v } (see decree Book)  
Exor. Asberry Syvester }

EXPARTE }  
SAMUEL WRAGG CAPERS } Petition for a Guardian.

The Petitioner a minor under the age of twenty one years appearing in open Court and desiring that his brother Gabriel Capers should be appointed his Guardian and on motion of Stephen D. Miller Esq. his Solicitor it is ordered that Gabriel Capers be accordingly appointed on his giving the usual security.

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GABRIEL CAPERS GUARDIAN } Petition for sale of 1/2 lot in Wraggs-  
OF WILLIAM WRAGG CAPERS } boro:  
Upon motion of Stephen D. Miller it is ordered that this petition be referred to the Commissioner to report whether the sale prayed for be for the benefit of the petitioner's Ward.

PHILIP CAROLAN ET UX } Bill Continued by Consent  
v. }  
FRON'S J. P. RICHARDSON }  
AND JAMES DAVIS }





John Adamson et al )  
by their next friend )  
v )  
Sarah Alexander et al ) Report on reference

The Commissioner having made a report upon it is ordered that the same be confirmed and thereupon it is ordered that the Lands named in the said report be sold for as much Cash as will pay the costs and the balance on a credit of one year with interest from the day of sale the purchaser giving good personal security- the titles to be signed but not delivered till the purchase money is paid and if not paid on the day when the money becomes due the premises to be resold for Cash at the risque of the former purchaser the Costs to be paid out of the Proceeds.

William Powell Brown )  
v ) Bill.  
The Admor & heir of W.m Capers )

The Commissioner having corrected his report according to the order of the Court on the argument of Exceptions and reported that there is due to the

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Complainant the sum of four hundred and three dollars and eleven Cents which constitute a charge against the personal estate of William Capers deceased, It is therefore ordered and decreed that the Complainant do recover against the defendant Hartwell Bacon the said sum of four hundred and three dollars and eleven cents to be made of the personal estate of the said William Capers in his hand to be administered and that the said Hartwell do pay out of the funds of the said Estate the said sum of money and the further Costs of this suit.

ROBERT W. GATHER ET UX )  
MARY REES ADMX W REES ) Report on reference.

The Commissioner having reported in this Case that the Estate of the said William Rees is indebted to the Complainant Sarah in the sum of nine hundred and thirty dollars and seventy one cents including interest to the 20th June instant it is therefore ordered and decreed that the Complainants do recover against the defendant Mary Rees the said sum of nine hundred dollars and thirty dollars and seventy one cents to be paid out of the Estate of her testator.

JAMES GIBSON & WIFE )  
v )  
EXORS. AND DEVISEES OF ) Petition for Partition  
JOSEPH SILVERSTER )

On motion of Blanding and Prioleau Solicitor for Petitioners it is ordered that the return made by the Commissioners appointed by the Court to divide the real and personal estate be confirmed.

EX PARTE )  
CAROL CORNELL GUARDIAN ) Report on reference  
OF WILLIAM HENRY CAPERS )

The Commissioner having reported in this Case that the prayer of the Petitioner should be granted it is ordered on motion of S. D. Miller that the same be confirmed

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Narcissus Graham )  
v ) Bill decree for complainant  
Joseph Cante ) (see decree Book )  
John Pitts )  
v )  
Mazara P. Pool ) Bill Continued by consent & for want of evidence.  
Moses Ward )  
v )  
Joseph Gillespie ) Petition Settled each party paying half the Costs.

JOHN RAMSAY )  
v ) Bill  
WILLIS RAMSAY ET AL )

In this Case Colonel Richard Moore and Captain Reuben Long two of the arbitrators to an award formerly returned in this Case were examined in relation thereto.

JOHN MONK )  
v )  
WILLIAM INGLESBY ) Bill  
& HENRY INGLESBY )

Continued one of the defendants not being subpoenaed

Admor & Adm.x Tho. Dearington )  
v ) Bill.  
Jolly Bracey )

Referred and continued by consent a Commission ordered to examine Timothy Lee de bene esse.

Admor. Eliza Dearington )  
v ) Bill Settled- each party paying  
Mary Rees Adm.x W.m Rees ) their own costs.

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Turner Ivy and Jacob Boon )  
v ) Bill.  
Nicholas Swilley John )  
Swilley, Samuel Swilley )  
and Eliza Payne )

On motion of Hooker and Levy it is ordered that Eliza Payne be appointed guardian ad litem to Samuel Swilley and Jaradox Swilley infants under the age of twenty one years-

TURNER IVY AND JACOB BOON )  
v )  
NICHOLAS SWILLEY, JOHN )  
SWILLEY, SAMUEL SWILLEY ) Bill.  
JARADOX SWILLEY AND )  
ELISHA PAYNE )

It appearing to the Court that Nicholas Swilley one of the defendants in this Case resides out of the limits of this State it is therefore ordered that he do appear to this Bill on or before the first monday in november next to file his plea, answer or demurrer & in default thereof that the Bill be taken pro confesso as to him-

EX PARTE )  
WILLIAM BLANDING ) Petition

On motion of M.r Ballard ordered that a Commission do issue in this Case directed to Wyatt W. Storke Benjamin Bineham, William Langley Junior, Peter Warren and Robert W. Carter requiring them or any three of them to summon twelve good and lawful men to such time as they shall appoint to enquire whether or not John Craven be a lunatic and forthwith to make a return to this Honorable Court of their investigation of the same-

THE COURT AND BILL 10 O'CLOCK A.M. WEDNESDAY

JUNE TERM 1815

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THURSDAY 22.d JUNE 1815

THE COURT MET AGREEABLY TO ADJOURNMENT

Holloway James )  
v ) Bill

John Mayrant et al )  
v ) On motion of Stephen D. Miller it is ordered that William G. Richardson a witness in this case brought up on an attachment be discharged, he having purged himself of the supposed contempt.









of the defendants to be paid out of the estate of the said William Cunningham deceased.

EX PARTE )  
THE GUARDIANS OF ) Report on reference.  
JOHN DORY ET AL )

The Commissioner having reported that it is expedient that a sale should be made of the property named in the said report, it is therefore ordered that the same be confirmed and the sale be made on a Credit of one year.

CHARLOTTE COLLINS )  
V. ) Bill for a partition  
JOS. PATTERSON ET AL )

Ordered that a writ of partition do issue in this case directed to William Nixon, James Shropshire and William Gardner requiring them to divide the real and personal

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Estate of Lewis Collins deceased according to the directions of his will and that in the share to be allotted to Joseph Patterson shall be included such personal Estate as the said Joseph Patterson shall have received from the said Lewis in his life time, estimating the value thereof at the time of the death of the said Lewis, but so that the increase of the said property shall not be taken into consideration.

THE COURT ADJOURNED TILL 3.d MONDAY IN FEB.Y NEXT  
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19.th FEBRUARY 1816

At a Court of Equity begun and holden for Garden District at Kershaw Court house on the Nineteenth day of February in the year of our Lord one thousand eight hundred and sixteen,  
Present The Hon'ble Henry Wm Desaussure Esq.

EX PARTE )  
JAMES GIBSON ) Petition for Guardianship

The petition of James Gibson praying to be appointed Guardian of Harriet Bates aged sixteen years and John Bates aged nine years was read and thereupon the said Harriet declaring her Choice of the said James Gibson as her guardian it is ordered that the said James Gibson be appointed guardian of the said infants with power to take charge of their persons and Estates on Complying with the usual terms.

EX PARTE )  
EXOR. & IX.X OF ) Petition  
HENRY VAUGHAN )

John B. Miller and Margaret Vaughan the executor and executrix of Henry Vaughan dec'd having returned to this Court an account of the expenditures of the Estate of their Testator and investments made by them in lands and negroes according to the order made in June term last it is therefore ordered that the same be referred to the Commissioner to report on the accounts rendered and whether the investments made are for the benefit of the Estate.

EXOR. PHILIP HAMMINS )  
V. ) BILL.  
THOMAS SUMNER ET AL )

Abated by death of Complainant.

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The State )  
V. ) Scire facias.  
The Catawba Company )

Continued because the State is not represented M.r Johnson being recently appointed a Judge-defendant's Solicitor consenting.

Eleanor McQueen )  
V. ) Bill Continued by Consent  
Charles Spann et ux )  
and John Moran )

Mordica Cohen )  
V. ) Bill. Continued by Consent  
Joseph Cantey )

Archibald McKissack )  
V. ) Bill Struck off the docket on motion  
Richard Beattis et al ) of Complainant

Admor. W.m. McDonald )  
V. ) Bill.  
Middleton McDonald et al )

Continued by Complainant with leave to defendant to examine witnesses by Commission.

Lewis Ballard )  
V. ) Bill  
Presly Garner )

Upon motion of Stephen D. Miller it is ordered that the order for a writ of partition be extended and that Robert English, William Rivers and John McLaughlin be appointed Commissioners to carry the same into effect.

Pierce Butler )  
V. ) Bill  
Admor & adm.x )  
Chas. Polk dec'd )

The Commissioner having submitted his report in this case whereby it appears that the sum

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of seven thousand, two hundred and fifty five dollars and 68½ Cents was due the Complainant on the twenty ninth day of January, one thousand eight hundred and fifteen, therefore it is ordered and decreed that the same be referred to the said sum received and confirmed, and further that unless the said sum of seven thousand, two hundred and fifty five dollars and 68½ Cents together with lawful interest thereon from the twenty ninth day of January one thousand eight hundred and fifteen be paid to Complainant on or before the first day of May next that the premises Stipulated to be mortgaged in the original bill in this case be sold for Cash and in Case the Sum so raised shall not discharge the sum so reported to be due by the Commissioner, then the Complainant to be authorised to proceed by execution against any other property of the said Charles Polk dec'd in the hand, power or possession of the said admor. and administratrix.

Jonah W Atkinson )  
V. ) Bill  
Exors. J. C. Walter )

On motion of M.r Silliman it is ordered that this case be referred to the Commissioner to report on the accounts between the parties and the Value of the rents and profits on the Land which the Bill prays should be redeemed.

Nancy Rees )  
V. ) Bill On motion of Stephen D. Miller it  
Reuben Long and ) is ordered that a Writ of Partition  
Nath'l B. Drake ) do issue to divide the property in  
dispute and that M. S. Poole, M. J.  
Williams, Willis Fensy W. Gunter  
& J. Pitts be appointed Commissioners to execute

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the said Writ returnable to the next Court

The Same )  
V. ) Mary Drake by her next friend Reuben Long having  
The Same ) prayed that the property to which she is entitled  
from Scarborough Rees her father may be settled  
upon her, it is therefore ordered that it be referred to the  
Commissioner to report what would be an adequate settlement for  
the said Mary out of the said property and upon what terms the  
same should be settled.

SAUEL DUBOSE )  
V. ) Bill  
Hartwell Mason )



On motion of Stephen D. Miller it is ordered that this case be referred to the Commissioner to report the amount due on the mortgage in this Case.

John Russell )  
v ) Bill  
Geo. Miller & )  
the heirs of David Russell)

Ordered that the matters of account involved in this Case be referred to the Commissioner.

EX PARTE )  
SARAH HODGE EX. X ) Petition  
BENJ. HODGE DEC. D )

On motion of M<sup>r</sup> John B. Miller ordered that the Petition and vouchers accompanying the same be referred to the Commissioner and that he do inquire whether it will be for the advantage of the minors mentioned in the above petition that the proceeds of the personal Estate of Benjamin Hodge and Benjamin H. Hodge Senior that they are entitled to be invested in lands and negroes for their use and benefit and to report what were the proceeds of the Crop growing at the time of the death of the Testator and whether the petitioner be the

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Proper person to have the management of the said investment and that he do report thereon.

Admor W. McDonald )  
v ) Bill  
Middleton McDonald et al)

On motion of Chapman Levy for Comp<sup>l</sup> and on cause shown it is ordered that the rule of reference in this Case be extended and that Def<sup>t</sup> have leave to examine such witnesses by Commission as may be unable to attend by reason of infirmity.

JOHN DUBOSE ET UX )  
v ) Bill.  
AD<sup>OR</sup>. ELIAS D. DICK )

On motion of Stephen D. Miller ordered that a writ of partition do issue to be directed to Daniel Dubose, John Dubose Jr. Samuel Scott and George Mims to divide the property in dispute & that they return their proceedings thereon to the next Court.

EX PARTE )  
BOND ENGLISH ) Petition.

The petition of Bond English praying that Robert Coleman might be appointed his guardian to take charge of the person and Estate of the said Bond being presented and the said Robert Coleman having consented in open Court to accept of said charge it is therefore ordered that the said Robert Coleman be appointed Guardian of the said Bond English upon his giving to the Commissioner the usual Security.

THE COURT ADJOURNED

TUESDAY, 20<sup>th</sup> FEBRUARY 1816

THE COURT MET AGREEABLY TO ADJOURNMENT

EX PARTE )  
EXECUTRIX OF BENJ. HODGE ) PETITION

On motion it is ordered in this Case that the Crop growing on the Lands of Testator at the time of his death be disposed of by the Executrix and the proceeds thereof be applied to the payment of the debts of the Testator and that the balance remaining be divided amongst the heirs of said Testator according to the Statute of distributions.

SAMUEL DUBOSE )  
v ) Bill  
HARTWELL WAGON )

On motion of Stephen D. Miller it is ordered that report of the Commissioner be confirmed and that the Complainant do recover the amount of one thousand and eighteen

dollars and ninety one Cents from the defendant and that Complainant pay the costs of suit.

EX PARTE EXOR. & EX. X )  
of HENRY VAUGHAN ) Petition

On motion of Col Blanding it is ordered that the report of the Commissioner on the return made by the said Executor and Executrix of the receipts and expenditures, investments of the said funds of the Estate in lands and negroes and monies loaned out be received and confirmed.

John Robertson et ux )  
v )  
Bond English )

On motion of Col Blanding Complainant's solicitor it is ordered that the Commissioner be directed to enquire whether the Lands mentioned in the Bill of Complainants as the property of M<sup>rs</sup> Margaret Robertson and Bond English be incapable of partition and division without injury thereto as stated in Complainants Bill, and whether

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if the same be directed to be sold nine dollars and 40/100 per acre, and four thousand seven hundred and one dollars and 62/100 for the whole tract be the full value thereof; and further to enquire whether James Chesnut the purchaser of said tract of Land has entered into proper bonds and securities for the purchase money which remains unpaid and a mortgage of the said Bond English and M<sup>rs</sup> Margaret Robertson and to report thereon

EX PARTE )  
WIFE OF GEO. HAWKIN ) Petition.

Upon motion of Stephen D. Miller it is ordered that a writ of partition do issue to divide the Land between the parties pursuant to the prayer of the Petition to be directed to William Taylor, Joel Davis, Benjamin P. Hart and Flooden to divide the said Land and that they do return the same to the next Court.

EX PARTE )  
THE SAME ) Upon motion of Stephen D. Miller it is ordered that Charles Spears be appointed a guardian ad litem in the above Case.

EX PARTE )  
GABRIEL CAPERS ) Petition

The petitioner having stated that he as Executor of Legrand Querry has in his hands certain sums of money belonging to Minor Querry, to wit, William Capers Querry, Legrand Querry and Sarah Ann Querry and there will be accruing annually about two hundred dollars and prays that the money now in hands and that which he shall hereafter receive upon the same account, may be invested in lands and negroes for the benefit of said minors; whereupon it is ordered

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that the said Gabriel Capers do invest the funds in his hands now in the purchase of Lands and negroes and also such monies as he may hereafter come to the possession of on account of the said minors in Land and negroes subject to the approbation of the Commissioner

HARTWELL WAGON )  
v ) Bill  
TROMP'S WATERS )

Continued on motion of defendant with consent of Complainant on condition that he may examine his witnesses in chief

GIDEON SEYMOUR )  
v ) Bill. Referred and continued  
DAN. LORING ET AL)

JONAH M. ATKINSON ET UX. )  
v ) Bill  
EXORS. JOHN C. WALTER )





This Case argued reserved for consideration

William Rabb )  
V. ) Bill ditto.  
Benjamin G. Joor )

Cerashon Benbow )  
& Elizabeth Oprey )  
V. ) Bill Continued at the instance of  
Admors J. Tisdale Son. ) defendants.

THE COURT ADJOURNED TILL 10 O'CLOCK A. M.  
TOMORROW.

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WEDNESDAY 21<sup>st</sup> FEB. 1816.

THE COURT MET AGREEABLY TO ADJOURNMENT.

ANN BARNICK )  
V. ) Bill.  
ADMORS W. M. GAMIE )

The Commissioner having reported that he had amended his report according to the exception of the defendant sustained, and that the balance in favour of the Complainant after such correction including interest to this day amount to four hundred and eighty dollars and eleven Cents: It is thereupon ordered that the Complainant do recover the Said Sum of four hundred and eighty dollars and eleven Cents, and the Costs of the Suit be paid out of the Estate.

MARY AND ISABELLA )  
HELENA WHITE )  
V. ) Bill.  
MARtha WHITE ET AL )

This Case was argued by M. R. Miller for Complainant and Blanding for defendants and reserved for consideration.

THE WINDHAM INDIANO SOCIETY )  
V. ) BILL.  
W. M. JAMES EXOR. W. M. FORD )

In this Case the Bill and answer were read, publication of Commissions returned from Georgetown and Cheraw passed, the testimony therein read and the case reserved for argument tomorrow.

Theodore Gourdin )  
V. ) Bill  
John Warrant et al ) Argued and reserved for consideration.

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JOHN WARRANT )  
V. ) Crossbill.  
THEODORE GOURDIN ) Dismissed with Costs.

JOHN B. ANDERSON ET AL )  
V. ) Bill  
SOPHROMIA ANDERSON )  
& F. LINDSAY ) The defendant Sophronia Anderson being  
Robert Muldrow be appointed her guardian ad litem.

THE COURT ADJOURNED

THURSDAY 22<sup>nd</sup> FEBRUARY 1816

THE COURT MET AGREEABLY TO ADJOURNMENT

LEWIS BALLARD )  
V. ) Bill.  
IRVING GAMIE )

This case was argued on exceptions on the part of the Defendant to the Commissioners report and reserved by the Court for consideration.

JOHN FITTS )  
V. ) Bill.  
M. R. PUTTY POOL )

In this case the testimony of Gabriel Long was read, John Greening John China, Col. Richard Moore and Captain Reuben Long were examined on behalf of Complainant; Col. Charles Clarke and Henry Jones on behalf of defendant and the case reserved for argument on tomorrow

Robert W. Carter )  
V. )

Admors and admors of ) Bill This Case came on upon exceptions  
The. Dearington ) on both sides to the Commissioner's report whereupon it is ordered and decreed that the Complainants do recover the sum of two hundred and fifty dollars with interest thereon from the

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First day of January in the year of our Lord one thousand eight hundred and nine to be invested under the direction of the Court according to the agreement of the 28<sup>th</sup> of December 1808- and it is further ordered and decreed that the Complainants do recover the further sum of four thousand two hundred and thirteen dollars and seventy eight cents, subject however to the deduction of two pounds per annum and interest for each of the Fellows charged to defendants' testator at fifteen pounds per annum- and that the defendants do pay the Costs of this suit out of the estate of their testator. (see report Book)

THE COURT ADJOURNED TILL TOMORROW 10 O'CLOCK

FRIDAY 23<sup>rd</sup> FEBRUARY 1816

THE COURT MET AGREEABLY TO ADJOURNMENT

MARY WHITE and )  
Isabella H. White )  
V. ) Bill.  
Martha White et al )

In this Case the Court pronounced its decree of which the following is the decretal part "It is ordered and decreed that the exceptions of the Complainants to the report of the Commissioner be overruled, and that the exceptions of the defendant to the said report be sustained; and that each of the Complainants be allowed twenty dollars per annum for the last five years, and the same allowance be paid them annually, in future, whilst they remain single-

William Rabb )  
V. ) Bill In this Case the Court pronounced  
Benjamin G. Joor ) their decree (for which see Decree book)

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JOHN WARRANT ET UX )  
V. ) Bill for an injunction.  
JAMES GARDNER ) This case was argued and reserved

THE WINDHAM INDIANO SOCIETY )  
V. ) Bill.

W. M. JAMES EXOR. W. M. FORD. )  
This Case was argued and reserved.

EXOR. U. )  
The Guardians of Derrill U. Hollis ) Petition  
Derrill U. Hollis )

On motion of M. R. Blanding it is ordered that the subject of this petition be referred to the Commissioner to report thereon.

The Court adjourned till half after nine O'Clock tomorrow morning.

SATURDAY 24<sup>th</sup> FEBRUARY 1816

The Court met agreeably to adjournment.



Theodore Gourdin )  
 V ) Bill  
 John Mayrant et al )  
 In this case the Court pronounced their decree of which the following is the decretal part, "It is ordered and decreed that the sale of the Land in dispute by the Sheriff of orangeburgh District be set aside and the deed of conveyance of John Mayrant Junior delivered up to be Cancelled and that the defendants John Mayrant and John Mayrant Junior forthwith deliver up the possession of the land to the Complainant. It is further ordered and decreed that the defendants John Mayrant and John Mayrant Junior do account for the rents and profits of the land from the time the conveyance was made to John Mayrant Junior. The Costs of Suit to be paid by defendants John Mayrant and John Mayrant J.r.

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JOHN MAYRANT ET UX )  
 VS ) Bill  
 JAMES GAIRDNER )  
 In this Case the Court pronounced their decree of which the following is the decretal part, "It is ordered and decreed that the injunction issued in this Case be dissolved, and that the Complainants deliver possession of the negroes which were levied upon by the Sheriff of Sumter district to Bartwell Maccon the agent of defendant from whose possession they were taken by the operation of the injunction, or to the defendant James Gairdner to be sold under the mortgage- It is further ordered and decreed that the defendant James Gairdner be at liberty to enforce his legal process against the house and Land in question and apply the proceeds of the sale to the extinguishment of the money due on the Mortgage and that in Case of a deficiency the trust estate be made liable for that deficiency- Costs to be paid by Complainants-

TURNER STARKES )  
 V ) Bill  
 JOHN W. REES ET AL )  
 Upon hearing and considering this Case it is ordered that the Complainant do recover against John W. Rees the Sum of two hundred and nineteen dollars and seventy five cents with interest from the 21.st day of November 1811 and also the sum of forty nine dollars and sixty one cents for the Costs of the suit at Law and that defendant John W. Rees do pay the Costs of this suit-

LEWIS BALLARD )  
 V ) Bill  
 PIERCE GARDNER )  
 On motion of Stephen D. Miller,

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It is ordered and decreed that the corrected report of the Commissioner be confirmed and the Complainant do recover the sum of nine hundred and ninety ~~two~~ three dollars and forty nine cents from the defendant besides his costs.

ALEXANDER M. GARDNER )  
 V ) PETITION  
 FROST AND LIGHTERS OF )  
 THO. N. JOHNSON D. CAD )

On motion of James S. Deas Solicitor for Petitioner it is ordered that the time for the Writs of Partition issued in this Case be extended to the next Court.

JOHN RUSSELL )  
 V ) Bill.  
 THE HEIRS OF DAVID RUSSELL )

In this Case it is ~~ordered~~ agreed by Complainant that defendant have leave to examine George Miller as a witness and that Complainant will not object to his Competency.

EX PARTE )  
 Wm B. Parker ) Petition for Guardianship

In this Case it is ordered that the Prayer of the Petitioner be granted and that Chapman Levy be appointed his guardian upon the terms established by the Court in such Cases.

EX PARTE )  
 THE SAME ) In this case it is ordered that the Commissioner do enquire and report to this Court whether it will be for the advantage and benefit of the minor for the monies arising from the personal estate of the petitioner's father William Parker and of Samuel Parker petitioner's brother and also the monies arising from the sale and proceeds of the real estate of the said William Parker and Samuel Parker that petitioner may be entitled to, or as much of the same

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may be necessary, to be applied to the purchase of a negro boy to be placed out to a trade.

EX PARTE )  
 MIRIAM PARKER ) Petition for Guardianship

On motion of M.r. Bullard it is ordered in this Case that John Parker of Camden be appointed the guardian of Miriam Parker and that he do enter into bond with security to be approved by the Commissioner in double the amount of Miriam Parker's property agreeably to provisions of Law in that case provided the said John Parker being in Court consents to this appointment and order.

EX PARTE )  
 COMMITTEE OF LUNCAY ) PETITION  
 TO TAKE CUSTODY OF THE )  
 PERSON OF JOHN CRAVEN )

On motion of M.r. Bullard it is ordered in this Case that the appointment of Ben. Binehar, Royal Bullard and Robert W. Carter Committee of the person of John Craven be revoked.

EX PARTE )  
 WILLIAM B. PARKER ) REPORT on PETITION

The Commissioner having submitted a report in this Case it is ordered on motion of M.r. Levy that the same be confirmed.

EXORS. JOHN MULLIN )  
 V ) BILL  
 JEREMIAH PICTS )

Leave given to Complainants to make another party defendant in this Bill.

WILLIAM DABNEY )  
 V ) BILL  
 WILLIAM MORE ET AL )

In this Case it is ordered and decreed that the negro woman named Becky and

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For female child named Buckey Contained in the bill of sale made by defendant William More to Def.t Robert D. Montgomery be sold by the Commissioner of this Court and that from the monies arising from the said sale the sum of four hundred and sixteen dollars and seventy eight cents be paid to the said Robert D. Montgomery in satisfaction of his claim that the said bill of sale was given to secure and that the balance of the said monies sold or as much as may be necessary applied to the payment and discharge of the interest of the said child as set forth in his Bill, and if any balance then remains that it be paid into the hands of Defendant William More; that the bill be retained as it respects the defendants Samuel Lunlap and Mary Selina Lunlap, and that the Commissioner be appointed guardian ad litem of the said Mary who is an infant under the age of twenty one years.

JOHN B. ANDERSON ET AL )  
 V ) Bill.  
 FRANCIS ANDERSON ET AL )

It is ordered and decreed that the Complainants be dismissed with costs.





V. ) Bill  
W.M JAMES EXOR. W.M FORD )

In this Case the Court pronounced their decree of which the following is the decretal part, "It is therefore ordered and decreed that the Land mortgaged by Wm Ford for securing the payment of the debt to the Winyaw Indigo Society and John Horry be sold by the Commissioner of the Court in the district where the land is situated, after duly advertising the same, on a credit of one year; and that a mortgage thereof be taken by the Commissioner from the purchaser to secure the payment of

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the purchase money- and that in case of any deficiency the balance be paid by the Executor of Wm Ford out of the funds of the Estate, in proportion with the other creditors of the Estate, according to their legal rights.

John Pitts )  
V. ) Bill

D.R Naz. P. Pool ) In this Case the Court pronounced their decree of which the following is the decretal part, Viz "It is ordered and decreed that the defendant do deliver up the negroes in dispute to the Complainant.

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At a Court of Equity, began and holden for Garden district at Kershaw Court house on Monday the 17.th day of June in the year of our Lord one thousand eight hundred and Sixteen- Present the honorable Theodore Gaillard Esquire one of the Judges of the said Court.

WILLIAM LANGLEY )  
V. ) Bill.  
LUCY LANGLEY ET AL )

On motion of Wyatt Starke Solicitor for Complainants and by consent of Chapman Levy Solicitor for Defendants it is ordered that Wilson Langley be appointed Guardian ad litem for Samuel Langley above named in the above suit.

MORDICAI COHEN )  
V. ) Bill - Continued  
JOSEPH GATLEY )

ELIZABETH WINTON ET AL )  
V. ) Bill. Continued  
DAVID PERKINS ET AL )

Admor William M. McDonald )  
V. ) Bill. Continued  
Middleton McDonald et al )

John Ferguson & John Lylant )  
V. ) Bill. Continued  
Burwell Fort Exor. Joseph High )

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Gershon Benbow & Elizabeth A. Oprey )  
V. ) Bill.

Admors. John Tisdale Sen. )  
In this Case it is ordered that defendants have leave to examine the John Forten, James Milton and Thomas Garrett aged Witnesses by Commission de bene esse.

Admor. . Adm.x of )  
Thomas Harrington dec.d )  
V. ) Bill Abated by the death of the  
Jolly Brosey ) defendant.

Gideon Seymer )  
V. ) Bill Under reference & Continued.  
Daniel Loring et al )

James B. Diggs )  
V. ) Bill for Partition  
Judith Diggs et al )

On motion of W.R Silliman it is ordered that Judith Diggs be appointed Guardian ad litem of the minors defendants in this Case.

The Same )  
V. )

The Same ) On motion of W.R Silliman it is further ordered that a writ of Partition do issue and be directed to John H. Lenoir, William Sanders & Burwell Fort to divide the land mentioned in the bill, that they Partition out of the said land one third part of the whole to Judith Diggs, one fifth part of the rest to Complainant and to each of the other defendants an equal share with Complainant and make due return of the said Writ of Partition and their acts therein to the next term of this Court.

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EDMUND OF JOHN MULLIN )

V. ) Bill. Continued  
JEREMIAH PITTS & )  
CHARLES MILLER )

CHARLES SPANN J.R. )  
V. ) Bill. Continued  
THOMAS SUMTER ET AL )

TURNER IVY & JACOB BOON )  
V. ) Bill. Referred  
NICHOLAS SULLIVAN ET AL )

WILLIAM RABB )  
V. ) Bill Under reference & continued  
BENJAMIN G. JOOR )

JOHN WERRELL )  
V. ) Bill

THE HEIRS OF DAVID FUSSELL )  
AND GEORGE MILLER. ) In this case the defendant George Miller and George Perry were examined for defendants the Case argued by W.R Miller for defendants and Col Blanning for Complainant and reserved for consideration

Willie Ramsey )  
V. ) Bill Continued.  
George J. McCanley )

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William Fletcher )  
V. ) Bill Abated by the death of the Complainant.  
Admor. and Adm.x of )  
John Fletcher dec.d )  
& George Miller )

CHARLES LILIAN )  
V. ) PARTITION DEFERRED  
WILLIAM B. DRAKE )  
ET UX. ET AL )

Admor. and Adm.x of )  
Joseph Brown dec.d )  
V. ) Bill

Andrew Welch et ux et al )  
On motion of W.R Silliman Sel.r for Complainants it is ordered that Gilbert Linkins be appointed Guardian ad litem of the minors defendants in this Case.

John Dubose et ux. )  
V. ) Bill  
Admor Elias Dick dec.d )  
Upon motion it is ordered that Stephen D Miller be appointed Guardian ad litem to Lydia Dick a minor in the above Case.

The Court Adj. & till 10 O'Clock tomorrow

TUESDAY 18.th JUNE 1816



The Court met agreeably to adjournment.

Nancy Rees )  
v ) Bill  
Reuben Long and )  
Nathaniel B. Drake et ux ) Upon motion of S. D. Miller

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Complainants Solicitor it is ordered that the report of the Commissioners in partition be confirmed and that the report of the Commissioner of this Court as to the extent and terms of settlement be confirmed and that the Property contained in the writ of Partition which is assigned by the Commissioners to W. R. Drake be settled upon her during her life and to such issue as she may have at her death to be equally divided between them share and share alike for her sole and separate use and that the said property be so settled as not to be encumbered by the acts of the said Nathaniel B. Drake.

Lewis Ballard )  
v ) Bill.  
Presley Garner )

On motion of Stephen D. Miller Solicitor for Complainant it is ordered that the return of the Commissioners be confirmed, the said Complainant appearing in Court and consenting to the same, and that the line marked A.B upon the plat returned by the Commissioners be established as the dividing line between the said Lewis Ballard and Presley Garner

ELIZABETH MOORE )  
v ) Bill Continued with leave to both Parties  
CHARLES SPARKS ET UX ) to amend.  
ET AL )

William Woodward )  
v ) Bill  
Reuben Starke & )  
Wyatt W. Starke ) On motion of A. Blanding for defendants  
it is ordered that Gen. Wm Strother

## JUNE TERM 1916

and Henry do appear and show Cause tomorrow to this honorable Court why they have not a writ of subpoena directed to them in the above Case

John Dubose et ux. )  
v ) Bill.  
Adnor Elias Dick dec'd )

Upon motion of Stephen D. Miller it is ordered that the return of the Commissioners be confirmed, and it is further ordered that the Property allotted to John Dubose and wife by the said return of the Commissioners be settled upon Margaret Dubose to her sole and separate use during her life and after her death to the Child or Children she may then have by John Dubose and that Stephen D. Miller be appointed and named as trustee in the said settlement. And it is further ordered that the lands recommended to be sold by the Commissioners be sold by the Commissioner in Equity on the first Monday in August next upon a credit of twelve months upon good personal security.

Hartwell Mason )  
v ) Bill.  
Thomas Bates ) In this Case John Bryant, Martin Jennings  
and John Smith were examined for defendant  
and John Smith and John Jennings for defendant Complainant  
and John Bates for defendant and received by the Court for Consideration.

Philip Carolan et ux. )  
v )  
Ezra J. Richardson et al ) This Case was argued on Bill

## JUNE TERM 1916

exceptions to the Commissioner's report in part, by Captain Levy for defendants and Col. Blanding for complainants.

EX PARTE )  
MARY L. CHAMPION ) Petition to be appointed Guardian  
On hearing the petition in this Case it is ordered that the Petitioner be appointed Guardian of her infant Children Isaac Trent, William H. Trent, Martha L. Trent and Mary B. Trent with power to take charge of their Estate upon giving the usual security.

EX PARTE )  
SAMUEL W. F. DUBOSE ) Petition to have a guardian appointed  
On hearing the Petition in this Case it is ordered that the Petitioner be appointed Guardian of the Petitioner with power to take charge of his person and Estate on giving the usual security.

EX PARTE )  
SAMUEL W. DUBOSE ) Petition to be appointed Guardian  
On hearing the petition in this Case it is ordered that the Petitioner be appointed Guardian of her infant Children Sarah Dubose, Isaac Dubose and Berre Dubose with power to take charge of their real and personal estate upon giving the usual security.

THE COURT THEN ADJ.D

WEDNESDAY 19th JUNE 1916

THE COURT MET AGREEABLY TO ADJOURNMENT.

On motion of Col. Blanding ordered that the Commissioners do enquire and report whether so much of a certain bond given to him by John Adamson deceased on the Sale of the Estate of Mrs. Amelia Adamson as belongs to John Adamson, Alexander Adamson and William Adamson who are infants

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which will shortly become one, ought consistently with the interest of the said infants to remain on interest on the present security.

ALEXANDER W. GARDEN )  
v ) Petition  
THOMAS M. JOHNSON DEC'D )

On motion of James S. Deas Solicitor for Petitioner ordered that the return of the Commissioners appointed by the Court to divide the real and personal Estate of Thomas M. Johnson deceased be received and confirmed. That the said Alexander W. Garden and the said Thomas V. Johnson do receive their respective proportions upon such terms and conditions as are contained in the Will of the said Thomas M. Johnson deceased.

Jennings, Tucker & Co. )  
v ) Bill.  
John Kershaw et al )

This Case was argued on demurrer Messrs Baillard & Miller for Complainants and Col Blanding for defendants.

John King )  
v ) BILL  
Henry Jones & )  
Wm S. Baillard ) This Case was argued on demurrer Mr Silliman for Complainant and W.R. Miller for defendant Jones.

James Perry et ux )  
v ) Bill Continued  
Samuel Dixon )





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WILLIAM WOODWARD  
V  
RUBEN STARKES AND  
WYATT W. STARKES

BILL.

Continued on affidavit of Complainant. Mr. and Mrs. Watson to be examined by Commission de bene esse.

GEORGE WADE BY  
HIS GUARDIAN

V  
MIDDLETON McDONALD

BILL. CONTINUED &amp; REFERRED

Admor & Adm. x Jos. Brown

V  
Andrew Welch et ux et al

Bill Referred

William Langley

V  
Lucy Langley et al

Bill

On motion of Wyatt Starke Solicitor for Complainant it is ordered that the Commissioner be directed to enquire and report whether the Sale Prayed for in the above case be for the benefit of the Parties interested

WILLIAM WOODWARD  
V

RUBEN STARKES &  
WYATT STARKES

BILL

On motion of Gregg & Lean for Complainant ordered that James Ford do appear and shew Cause to this honorable Court on the first day of the ensuing court why he has not obeyed a writ of Subpoena directed to him in the above Case.

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WILLIAM LANGLEY  
V

LUCY LANGLEY ET AL

Report confirmed

The Commissioner having reported in the above Case that a sale of the lands and town lots in the bill mentioned would be for the benefit of the Parties interested and the adult defendants and the guardian of the minor consenting thereto, it is ordered that the said lands and lots be sold by the Comr. of the Court on the terms recommended in said report.

MARY WRAGG CAPERS

V.  
SAMUEL WRAGG CAPERS

Petition

Upon motion of Stephen D. Miller it is ordered that a writ of partition do issue to divide the lots contained in the Petition to be directed to and that they return their proceedings thereon to the next Court.

Elizabeth Dubose

V  
William Vaughan &  
Vincent Vaughan

Bill. Referred &amp; Continued

ROBERT WHITE

V  
JAMES WHITE &  
SARAH L. WHITE

BILL Continued

Jonathan Westberry

V  
Dillard Collins et al

BILL.

It appearing to the Satisfaction of the Court that Richard Westberry, Thomas Westberry

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and William Westberry reside without the limits of this State it is therefore ordered that the said Richard Westberry Thomas Westberry and William Westberry do appear, and plead, answer or demur to the said bill on or before the first day of next Court, and in default thereof an order will be made that the said bill be taken pro confesso.

EX PARTE

JOHN PARKER

) Petition to be discharged from Guardianship

On hearing the above Petition it is ordered on motion of Mr. Bullard that John Parker be discharged from the appointment of guardian of Miriam Parker he never having inter-meddled as guardian with the said ward's property.

EX PARTE

Miriam Parker

) Petition for appointment of Guardian

Upon hearing the above petition, on motion of Mr. Bullard, ordered that the prayer of said Petition be granted and that said Joanna Parker do give the usual security and receive the Charge of the property of the said Miriam Parker.

THE COURT ADJOURNED.

THURSDAY 20.th JUNE 1816.

THE COURT MET ACCORDINGLY TO ADJOURNMENT.

EX PARTE

WILSON LANGLEY

) Petition to be appointed Guardian.

Upon hearing the petition in this Case it is ordered that the Petitioner be appointed Guardian of Samuel Langley with power to take charge of the personal estate of the said Samuel Langley upon his giving security to be approved by the Commissioner.

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EX PARTE

ROBERT BARBER

) Petition to be appointed Guardian

Upon hearing the Petition presented in the above case it is ordered that the said Robert Barber be appointed Guardian of his infant son Charles Barber with power to take Charge of his estate upon his giving the usual security.

EX PARTE

THE CHILDREN OF W. ADAMSON DEC'D.

) PETITION

The Commissioner having submitted a report in the above Case it is ordered that the same be confirmed.

JACOB BOON & TURNER IVY

V.  
NICHOLAS SMILEY ET ALIOS

BILL.

In this Case it is ordered that the report of the Commissioner be confirmed and that the Lands mentioned in Complainants' Bill be sold for Cash on the first Monday in August next, and that the monies arising from the said sale be paid over to Complainants in discharge of the sum reported due by the Commissioner to be due to the Complainants as far as the same will go after the payment of the Costs of suit.

PHILIP CAROLAN ET UX.

V.  
JAMES DAVIS ET AL

BILL

The Commissioner having submitted his report in this case as it respects the Complainant Mary Carolan's administration of the assets of Benjamin Davis deceased it is ordered that the same be confirmed.

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EX PARTE

SARAH HORTON

) Petition to be appointed Guardian.

On hearing the petition presented in the above Case it is ordered that the said Sarah Horton be appointed Guardian of her infant Children Henry B. Alexander and Isaac B. Alexander with power to take charge of their estates upon her giving the usual security.

JOHN RUSSELL

V  
T. & W. OF DAVID RUSSELL & GEORGE MILLER

BILL.

In this case the Court pronounced their decree of which the following is the decretal part, "It is therefore ordered and decreed that the said Geo. Miller do hold the said



Land in trust subject to the payment of the Complainants' debt, and the Costs of this suit and it is referred to the Commissioner to ascertain the amount of the said debt.

John King )  
v ) Bill  
H. Sones & )  
W. E. Ballard )

The demurrer is bad and is overruled, Jones must answer and the Complainants' Counsel may amend his Bill so as to enable the Court to get at the real merits of the Case, if they be such as they are represented by the Complainant.

Jennings, Tucker & Co. )  
v ) Bill.  
John Kershaw et al )

Demurrer sustained & bill dismissed

Hartwell Mason )  
v ) Bill Decree for Defendant (see Decree Book)  
Thomas Mables )

# THE COURT ADJOURNED

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At a Court of Equity begun and holden at Apschaw Court house for Camden district on Wednesday the nineteenth day of February in the year of our Lord one thousand eight hundred and seventeen. Present

The honorable William Dobein James Esquire  
One of the Judges of the Said Court

EXFANTE ) Petition for Guardian.  
CHARLOTTE COLLINS )

On hearing the petition in this Case it is ordered that Charlotte Collins be appointed Guardian of Alatha Collins with the usual powers on giving the usual security.

EXFANTE ) Petition for Guardian  
FRESLEY HORTON )

JANE HORTON ) On hearing the Petition in this Case it is ordered that Herdy Horton be appointed guardian of Presley Horton and Jane Horton with the usual Powers on giving the usual security.

William Woodward )  
vs )  
Reuben Starke and ) BILL.  
Wyatt W. Starke )

On motion of Gregg and Wgan for Complainant, ordered that Joseph Nickle do shew cause at the meeting of this honorable Court tomorrow why he has not obeyed the writ of subpoena to him directed and with which he has been served.

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THOMAS JONES )  
v ) BILL.  
SAMUEL JONES )

On motion it is ordered that Samuel Jones Sen. be appointed guardian ad litem of Samuel Jones Jr., William Jones Jr. and Jane his wife and John Jones, and that Hugh Blakeney be appointed Guardian ad litem of Thomas Blakeney Mary Blakeney Nancy Blakeney and Eleanor Blakeney.

Robert L. Carter et ux ) Decree of 20.d feb. 1816  
vs. )  
Admor & Adm.x Phs. Dearington ) For \$250. with interest

The money the subject of this agreement with the interest thereon being this day brought into Court, it is on motion of Mr. Stillman ordered that the same be paid into the hands of the Commissioner of this Court who shall cause the same to be invested in the manner provided by the agreement of 20.th December 1808.

It is further ordered that the Complainant Sarah elect a trustee who shall execute the trust created by the said agreement and declare the same by deed so as to preserve the contingent crop remainders agreeable to the intended effect and form of the gift.

DANIEL CANTZON ET AL )  
VS ) BILL  
AGNES JOHNSON & SAM'L JOHNSON )

In this Case it is ordered that

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Agnes Johnson be appointed guardian of said Samuel Johnson, who is an infant and have leave to file an answer instantly.

EXORS. JOHN / DAMSON DEC.D )  
VS ) Bill for a partition  
JOHN ADAMSON, ALEXANDER )  
ADAMSON & W.M. ADA SON )

On motion of Mr. Blanding solicitor for the Complainants and on hearing the answers of the defendants by their Guardian.

It is ordered that a writ of Partition be directed to Thomas Whitaker, Zachariah Cantey, John Cantey, James Chesnut and John Doby requiring them or a majority of them to divide the slaves bequeathed by John Adamson deceased between the defendants and that the other matters and things stated in the bill be referred to the Commissioner of this Court to report thereon.

F. A. Dellesseline et ux )  
VS ) BILL  
Lewis Ciples & John Boykin )  
Exors of John Adamson )

On motion of Mr. Dellesseline ordered that Lewis Ciples and John Boykin/Exors./ aforesaid do deliver over to F. A. Dellesseline and Amelia his wife Nance and her two Children & George the subjects of the prayer in the above Case, subject to the trusts in the will of J. Adamson and the

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Intention of the gift set forth in the bill of Complaint

THE COURT ADJOURNED TILL TOMORROW

THURSDAY 20.th FEBRUARY 1817

THE COURT MET AGREEABLY TO ITS ADJOURNMENT

JOSE H PATTERSON ET UX )  
VS ) Bill  
CHARLOTTE COLLINS & ALLETHA COLLINS )

On motion of A. Blanding Complainant's Solicitor and on hearing the answers of the defendant Charlotte Collins and Alletha Collins by her guardian, it is ordered that a writ of partition be directed to William Brewer, William B. Stover, Thomas Thomas, Traves Nixon and Joseph Cunningham requiring them or a majority of them to divide and partition the Slaves, horses, Cattle, hogs and credits in the bill stated between and among the Complainants and defendants, so that one third part thereof be assigned to and allotted to Elizabeth Patterson, one third to the defendant Charlotte Collins and one third to the defendant Alletha Collins, and make due return of the said writ of partition and their acts and proceedings thereon to this Court.

WILLIE VAUGHAN )  
VS ) BILL  
JOHN GAYDEN & )  
GEORGE GAYDEN ) The bill having been taken pro Confesso and on reference the Commissioner having reported that the defendant

FEBRUARY TERM 1817

John Gayden is indebted to the Complainant in the Sum of four hundred and nineteen dollars and twenty seven Cents for the





payment of which the lands mentioned in the bill are liable. It is thereupon ordered and decreed that the said report be confirmed and that unless the defendants do pay the said debt and interest from this day and costs of suit, on or before the first Monday of May next, the Commissioner do sell the premises for Cash.

John Adamson )  
Ads )

EXORS. & EX. of )

John Adamson dec'd ) On motion of W. F. DeSaussure def't's solicitor it is ordered that William Nixon be appointed Guardian ad litem for the def't John Adamson in the above Case, and that the answers be received without oath.

WILLIAM ADAMSON )  
ADS )

EXORS. & EX. OF )

JN. ADAMSON DEC'D ) On motion of W. F. DeSaussure defendants Solicitor it is ordered that Francis S. Lee be appointed guardian ad litem for the defendant William Adamson in the above Case and that the answers be received without oath.

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ALEXANDER ADAMSON )  
ADS )

EXORS. & EX. JN. ADAMSON DEC'D )

On motion of W. F. DeSaussure defendant's solicitor it is ordered that Everard Cureton be appointed Guardian ad litem for the def't Alex. Adamson in the above Case and that the answer be received without Oath.

JOHN RUSSELL )

VS )

GEORGE MILLER AND )

THE HEIRS OF D. RUSSELL )

Bill

The Commissioner having submitted his report in the above case, it is ordered that the same be confirmed and thereupon it is ordered and decreed that unless the defendants do pay to the Complainant the sum of money reported due and interest from this day on or before the first Monday in May next the Commissioner do proceed to sell the premises mentioned in the bill for Cash and apply the Proceeds to the payment of the Complainant's demand and the balance to such other debts of the said David Russell as constitute charges against the same.

REBECCA TILLMAN )

VS )

ADMR & HEIRS OF )

ISAAC TILLMAN DEC'D )

BILL for a Partition

It is ordered that it be referred to the Commissioner to report whether the Compromise offered by the Complainant to

# FEBRUARY TERM 1817

the defendants be for their in crest.

THE COURT ADJOURNED

FRIDAY 21.st FEBRUARY 1817.

THE COURT MET AGREEABLY TO ADJOURNMENT.

STEPHEN HARMAN )

VS )

JOHN CRAVEN )

BILL

On motion of Wyatt Starke Solicitor for Complainant it is ordered that Chapman Levy be appointed Guardian ad litem of John Craven in the above Case who from derangement of mind is incapable of managing his affairs.

ELIZABETH WINTON ET AL )

VS )

DAVID PERKINS ET AL )

Bill.

On motion of Mr Bullard def't Solr it is ordered that upon the payment by def'ts in this Case of the sum of sixty five dollars the Costs of a former suit in equity and of one hundred and thirty six dollars and eighty cents the costs of the suit at law and also the sum of four hundred and ninety three dollars and fifty two Cents the value of the lands in dispute in this Case and the amounts of the rents and profits thereof, it is ordered that the lands in dispute in this be vested in Lovick Rochell according to the terms of the Will of his father Lovick Rochell deceased and that he do pay the costs of this suit being the sum of fifty four dollars and sixty Cents.

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WILLIAM WOODWARD )

VS )

REUBEN STARKES and )

Wyatt W. Starke )

Bill

On motion of Gregg & Egan ordered that Nathaniel Ford, Mrs Sarah Vaughan and Daniel H. Carr be examined de bene esse by Commission.

JOHN KESHAU ET AL )

V. )

SAM. W. F. DUBOSE ET AL )

Bill.

It is ordered that Mary Louisa McClelland be appointed guardian ad litem of Isaac Trent, William Trent, Martha Trent and Mary Trent minor defendants in the above Case.

EXPARTE )

Sam. W. F. DuBoise ) PETITION for Guardian

On hearing the petition in this Case it is ordered that James Chappell be appointed Guardian of the Petitioner with the usual powers on giving the usual security, and that the former order appointing William Langley his guardian who has never given Security or acted be discharged

WILIE VAUGHAN )

V )

JOHN T. C. VAUGHAN )

JULIA C VAUGHAN )

BILL

Ordered that George L. Champion be appointed guardian ad litem of the

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Minor defendants and that their answers be received on the oath of the Guardian.

ADMR WILLIAM M. McDONALD )

V )

MIDDLETON McDONALD ET AL )

BILL

CONTINUED

JAMES PERRY ET UX )

VS )

SAMUEL DIXON )

Bill

Continued by affidavit,  
Witnesses be examined in chief on both sides

GEORGE MADE BY GUARDIAN )

VS )

MIDDLETON McDONALD )

Bill. Continued

JENNINGS, TUCKER & C.O )

VS. )

JOHN KESHAU ET AL )

Bill Continued all the  
not being before the Court

ROBERT WHITE )

V )

JANE WREN &  
SARAH L. WREN )

BILL Continued Complainants Solicitor  
being absent & no one appearing  
for defts



MS Mary Rees Adm.x W.m Rees )  
 Vs ) Bill Continued  
 The heirs of Rob.t Dearington )  
 William Mothershead et al )  
 Vs ) Bill. Continued  
 George McVay )

339 Rebecca Tillman )  
 Vs ) Bill  
 Admor. and heirs of )  
 Isaac Tillman dec.d )

The Commissioner having submitted a report in this Case it is ordered that the same be confirmed and that a writ of partition do issue directed to Simon Bowdon, William Beckham, Samuel Caston, James Douglas, and William McKenna or a majority of them to divide the estate real and personal of Isaac Tillman and that they assign one sixth part thereof to Middleton Tillman and the other four sixths to the four minor children of the intestate in Common.

The Court adjourned till tomorrow

SATURDAY 22.nd FEBRUARY 1817

THE COURT MET AGREEABLY TO ADJOURNMENT.

Elizabeth Horton et al )  
 Vs ) Bill.  
 William Craig et al )

It appearing to the Satisfaction of this Court that the defendant Charlotte Horton resides without the limits of this State, it is ordered that she do appear to the bill in this case on or before the third monday in June next or the bill be taken pro confesso.

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NATHANIEL BARBER )  
 VS ) Bill for a Partition  
 GEORGE MARLER ET AL )

It appearing to the satisfaction of this Court that the defendants Thomas Marler Rebecca Marler, James Marler, George Capers Marler and Elizabeth Marler reside without the limits of this State, it is ordered that they do appear to this bill on or before the third monday in June next, or the bill be taken pro confesso.

Thomas Welsh )  
 Vs ) Bill for a Partition  
 Samuel Jones et al )

The bill and answers read in this Case it is ordered that a writ of Partition do issue directed to William Horton senior, George Miller, Richard Berrel Senior, Lovick Young and Stephen H. Boykin requiring them to divide the real estate mentioned in the bill among the parties interested therein.

EXORS. of JOHN ADAMSON )  
 VS ) Bill for a partition  
 JOHN ADAMSON, WILLIAM )  
 ADAMSON & ALEX.R ADAMSON )

The Commissioner having sub-

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mitted his report in the above Case it is ordered that the same be confirmed, and the Commissioners having made return to the writ of Partition in this Case it is ordered that the same be confirmed.

JOHN KERSHAW ET AL )  
 VS ) Bill for Partition &  
 Samuel W. R. Dubose et al )  
 Upon hearing the bill and answers in this

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case it is ordered that the Estate of Captain /Is/ Dubose deceased both real and personal be put under the direction and management of the Commissioner of this Court, that the Commissioner do proceed to ascertain the debts due by the said estate and the funds which are charged with the Payment thereof, and that the Complainants and defendants do account to him for all such parts of the said estate as they or any of them have received that the house and lots in the town of Camden, which the said Isaac Dubose died seized of, be sold by the Commissioner on a credit till the first day of January next the Purchaser to give bonds and good personal security, the titles to be made but not delivered until the money is Paid and if not Paid when due that the premises be resold for Cash at the risk of the former purchaser- and the Commissioner is further ordered to enquire and report what lands of the said Isaac

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Dubose there are in other Parts of the State which belong to his Estate, and whether the same are charged with the payment of his debts in exoneration of his personal estate bequeathed-

WILIE VAUGHAN )  
 V ) Bill  
 JOHN T. C. VAUGHAN )  
 & JULIA C. VAUGHAN )

It is ordered that the matters and things stated in the bill and answers in this Case be referred to the Commissioner.

ELI C. CASTON )  
 VS ) Bill  
 WILLIAM CASTON ) Continued under compromise

WILIE VAUGHAN )  
 VS ) Bill  
 JOHN T. C. VAUGHAN )  
 JULIA C. VAUGHAN ) The Commissioner having submitted his report in the above case it is ordered that the same be confirmed.

BENJAMIN PERKINS ET UX )  
 V )  
 THOMAS LANG ET AL ) In this Case the Court pronounced its decree of which the following is the decretal part

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It is therefore ordered and decreed that the defendants do keep up the ferry according to law, that they do yearly account with the Commissioner for the benefit of the proprietors on the west Side for all the profits of passengers Crossing from said side to the east, that such proprietors bear only such proportion of expence as compared with the profits on both Sides may be just and equal, and that the Costs be paid by Complainants.

THE COURT ADJOURNED TILL JUNE NEXT.

[The remainder of this page is blank in the original MS]

JUNE TERM 1817

At a Court of Equity began and holden for Camden District at Kershaw Court house on the eighteenth day of June in the year of our Lord one thousand eight hundred and seventeen.

PRESENT. The Honorable Thomas Waties Esquire  
 One of the Judges of the said Court

REUBEN HARRISON ET AL )  
 VS ) Sci. Fa. to revive decree  
 REUBEN LONG EXOR. HUBERT REES )

ORDERED that the decree in this Case be revived according to the scire facias returned in this Case and that execution do issue for the Costs of the suit.

TURNER STARKE )  
 V ) DECREE  
 JOHN W. REES )

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A Copy of the decree in this Case having been served on the defendant and he having been required to pay up the amount of the decree and having neglected to do so, it is ordered that an attachment do issue against him

EXPARTE Eliz: McKee, Alex: McKee } Petition for Guardian.  
William McKee and Sarah McKee }

The Petition in this Case having been read it is ordered that Jane McKee

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be appointed Guardian of the Petitioner on giving the usual security.

Urias Blackman et ux }  
Vs } BILL for Partition  
Thomas Blackman /Abloft/ and }  
Beckham Abbott }

The defendants being infants it is ordered that Henry Abbott be appointed Guardian ad litem of Beckham Abbott and the Commissioner of this Court be appointed Guardian ad litem of Thomas Abbott.

Thomas Welsh }  
V } Bill for a Partition  
Samuel Jones et al }

It is ordered that the defendants do tomorrow shew Cause why the return made by the Commissioners should not be confirmed-

Peters & Harrison }  
Vs } Bill for discovery & relief  
Alvin A. McWhorter }  
and Sherard Gray }

The Same }  
VS } Do Do  
Alvin A. McWhorter }

It is ordered that George G. MacWhorter be appointed Guardian ad litem for Alvin A. McWhorter in each of the above Cases.

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Adnor W. McDonald }  
Vs } BILL Continued.  
Middleton McDonald }

George Wade by Guardian }  
V } Bill. Continued  
Middleton McDonald }

Eliz. Norton et al }  
Vs } BILL for Partition  
William Cragg et al }

It appearing that Charlotte Horton One of the defendants is an infant under the age of twenty one years it is ordered that George Petty be appointed her Guardian ad litem.

Peters & Harrison }  
Vs } Bill.  
McWhorter & Gray }

It is ordered that this Case be referred to the Commissioner and that the defendants do answer on oath all such questions as shall be put to him by the order of the Commissioners on the reference, and do produce all such books, papers, entries and vouchers as may tend to enable a full account to be taken.

Peters & Harrison }  
VS } BILL  
Alvin A. McWhorter }

It is ordered that this Case be referred to the Commissioner and that the def.t do answer all such

questions as shall be put to him by the order of the Commissioner on the said

JUNE TERM 1817

reference and that he do produce all such books, entries, papers and vouchers as may enable a full account to be taken-

WILLIAM WOODWARD }  
VS } Bill for discovery and relief  
REUBEN STARKE AND }  
WYATT STARKE }

On motion of A. Blanding Solicitor for Defendants it is ordered that William Hollis be examined, de bene esse by Commission.

ELIZABETH HORTON ET AL }  
VS } Bill for Partition  
WILLIAM CRAGG ET AL }

On hearing this Case it is ordered that the legal title to the Lands mentioned in def.t William Cragg's answer be vested in the said William Cragg and that a writ of Partition do issue directed to John Truesdale George Perry, Joseph Patterson, Lovick Young and Benjamin Bineham or a majority of them to run out and fix the boundaries of the said Land according to the description of the same contained in said William Cragg's answer, and also to divide the real estate of the said John Horton amongst the parties to the above bill according to the Prayer of the said Bill-

Adm.x William Rees dec.d }  
VS } BILLS Continued  
The heirs of Robert Darington }  
The Court adjourned till tomorrow

JUNE TERM 1817

19.th June 1817

The Court met agreeably to adjournment

ROBERT WHITE }  
VS } Bill for Partition  
JANE WRENN & }

S. RAH L. WRENN } Upon motion it is ordered that the Commissioner's report be confirmed and that the line marked A.B. be established between the Complainant and defendants and that the Lands be vested in Jane Wrenn in Conformity with the Commissioner's report.

THOMAS WELSH }  
VS } Partition  
SAMUEL JONES ET AL }

Samuel Jones one of the defendants in this Case excepts to the return of the Commissioners on the grounds.

First, Because the Commissioners or a majority of them never examined the Land apportioned off to Thomas Welsh farther than seeing a Part of the lines, and fixed the Value of the same below its Value.

Secondly- Because part of the Land apportioned to Samuel Jones was not the property of the estate of William Welsh and the whole of the Land apportioned to said Samuel Jones was valued greatly above its ~~value~~ worth. Levy Def.t Sol.r thereupon it is ordered, on motion, that the first exception be overruled and that the second exception be referred to the Commissioner

JUNE TERM 1817

EXPARTE PETITION FOR GUARDIAN

The Petition in this Case having been read it is ordered that Thomas Harris be appointed Guardian of the Petitioner on giving the usual Security.

WILLIAM WOODWARD }  
VS } BILL.  
REUBEN STARKE AND }  
WYATT STARKE }



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It is ordered in this Case that Publication of the testimony of John Woodward Sen. deceased taken de bene esse do pass. In this Witnesses were examined on both Sides and the argument of the Case reserved until tomorrow.

JOSEPH PATTE SON ET UX	)	
VS	)	Bill
CHARLES COLLINS ET AL	)	
	)	Continued
REBECCA TILLMAN	)	
VS	)	Bill
ADMOR & heirs of Jo. TILLMAN	)	

THE COURT ADJOURNED TILL TOMORROW

[ Loose Paper ]

THE STATE OF S.O CAROLINA)  
KERSHAW DISTRICT

) I do solemnly swear or affirm, that  
I died without any Will as far as I know & believe, & that I will well & truly administer all & singular the goods & Chattles rights & Credits of the said deceased & pay his just debts, as far as the same will extend & pay all lawful & just claims as far as the means of said Estate will extend & the law requires me so to do & that I will make a true and perfect inventory of all the said goods & Chattles rights & Credits & return a just and true account thereof when thereunto required-  
SO HELP ME GOD

Sworn to before me )  
November 1863 )

















